



House of Representatives

File No. 635

General Assembly

February Session, 2002

(Reprint of File No. 421)

Substitute House Bill No. 5574
As Amended by House Amendment
Schedules "A", "B" and "C"

Approved by the Legislative Commissioner
May 4, 2002

AN ACT REPEALING CERTAIN OBSOLETE SECTIONS AND PROVISIONS OF THE GENERAL STATUTES.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 1-1e of the general statutes, as amended by section
2 1 of public act 01-163, is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2002*):

4 Nothing in sections 1-1d, 3-94b to 3-94e, inclusive, 7-6, 7-51, as
5 amended, 7-53, as amended, 7-54, as amended, 7-172, 9-12, 10a-207, 14-
6 14, 14-36, 14-40a, 14-41, as amended, 14-44, as amended, 14-61, 14-73,
7 14-214, 14-276, 17a-1, as amended, 17a-152, 17b-75, 17b-81, 17b-223,
8 17b-748, 18-73, 18-87, 19a-512, 20-10, 20-130, 20-146, 20-188, 20-213, 20-
9 217, 20-236, 20-250, as amended, 20-252, as amended, 20-270, as
10 amended, 20-291, 20-316, 20-361, 20-590, 20-592, 26-38, [27-140g,] 29-
11 156a, as amended, 30-1, 30-45, 30-86a, 31-222, as amended, 38a-482,
12 38a-609, 38a-633, 38a-786, 45a-263, 45a-502, 45a-504, 45a-606, 45a-754,
13 46b-129, as amended, 46b-215, 52-572, 53-304, as amended, 53-330, 53a-
14 70 or 53a-87 shall impair or affect any act done, offense committed or
15 right accruing, accrued or acquired, or an obligation, liability, penalty,

16 forfeiture or punishment incurred prior to October 1, 1972, and the
17 same may be enjoyed, asserted and enforced, as fully and to the same
18 extent and in the same manner as they might under the laws existing
19 prior to said date, and all matters civil or criminal pending on said
20 date or instituted thereafter for any act done, offense committed, right
21 accruing, accrued, or acquired, or obligation, liability, penalty,
22 forfeiture, or punishment incurred prior to said date may be continued
23 or instituted under and in accordance with the provisions of the law in
24 force at the time of the commission of said act done, offense
25 committed, right accruing, accrued, or acquired, or obligation, liability,
26 penalty, forfeiture or punishment incurred.

27 Sec. 2. Subsection (a) of section 1-81 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective*
29 *October 1, 2002*):

30 (a) The commission shall:

31 (1) Compile and maintain an index of all reports, advisory opinions,
32 memoranda filed under the provisions of subsection (f) of section 1-82a
33 and statements filed by and with the commission to facilitate public
34 access to such reports and statements as provided by this part;

35 (2) Preserve advisory opinions permanently; preserve memoranda
36 filed under subsection (f) of section 1-82a, and statements and reports
37 filed by and with the commission for a period of five years from the
38 date of receipt;

39 (3) Upon the concurring vote of four of its members, issue advisory
40 opinions with regard to the requirements of this part, upon the request
41 of any person subject to the provisions of this part, and publish such
42 advisory opinions in the Connecticut Law Journal. Advisory opinions
43 rendered by the commission, until amended or revoked, shall be
44 binding on the commission and shall be deemed to be final decisions
45 of the commission for purposes of section 1-87. Any advisory opinion
46 concerning the person who requested the opinion and who acted in
47 reliance thereon, in good faith, shall be binding upon the commission,

48 and it shall be an absolute defense in any criminal action brought
49 under the provisions of this part, that the accused acted in reliance
50 upon such advisory opinion;

51 (4) Report annually, prior to April fifteenth, to the Governor
52 summarizing the activities of the commission;

53 [(5) Not later than July 1, 1995, develop a model code of ethics for
54 officials and officers of municipalities, as defined in section 7-148, and
55 provide a copy of said model code to the chief elected official of each
56 municipality in the state;

57 (6) Not later than July 1, 1995, develop a model code of ethics for
58 officers of districts, as defined in section 7-324, and provide a copy of
59 said model code to the president of each district in the state;] and

60 [(7)] (5) Adopt regulations in accordance with chapter 54 to carry
61 out the purposes of this part.

62 Sec. 3. Section 1-96b of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective October 1, 2002*):

64 [(a) Not later than July 1, 1998, the State Ethics Commission shall (1)
65 create a software program for the preparation of financial reports
66 required by section 1-96, and (2) prescribe specifications for other
67 software programs created by vendors for such purpose. The
68 commission shall provide training in the use of the software program
69 created by the commission.]

70 [(b) On and after January 1, 1999, each] Each registrant required to
71 file any financial reports under section 1-96 shall do so in electronic
72 form using the software created by the commission [under subsection
73 (a) of this section] for that purpose or another software program which
74 meets [the] specifications prescribed by the commission. [under said
75 subsection (a).]

76 Sec. 4. Section 2-16a of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2002*):

78 [(a) No state representative or state senator whose term expires on
79 January 4, 1995, and who resigns from the General Assembly before
80 the expiration of such term shall engage in the profession of lobbyist,
81 as that term is defined in subsection (l) of section 1-91, until the
82 expiration of the term.]

83 [(b)] No state representative or state senator who is elected at the
84 1994 state election or any election thereafter shall engage in the
85 profession of lobbyist, as that term is defined in subsection (l) of
86 section 1-91, until one year after the expiration of the term for which
87 [he] such state representative or state senator was elected.

88 Sec. 5. Section 4-149 of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2002*):

90 (a) The Attorney General shall review each claim delivered under
91 section 4-147. If such review discloses to the satisfaction of the
92 Attorney General that protection of the state's interest does not
93 reasonably require representation by the Attorney General before the
94 Claims Commissioner, then such representation shall be provided by
95 the state agency or department involved in the claim. In making such
96 determination, the Attorney General shall consider (1) the sum of
97 money involved; (2) the legal significance of the claim as a precedent;
98 and (3) the complexity of the legal and factual issues presented.

99 (b) The Attorney General shall notify the Claims Commissioner and
100 the agency or department involved within ninety days of receipt of a
101 claim by the Attorney General in those instances when [he] the
102 Attorney General determines that protection of the state's interest does
103 not reasonably require representation by the Attorney General before
104 the Claims Commissioner.

105 (c) When the representative for the state, which representative may
106 in appropriate cases be the Attorney General, desires to oppose a
107 claim, [he] such representative shall file with the clerk of the Office of
108 the Claims Commissioner a notice of opposition, in duplicate,
109 containing a concise statement of [his] such representative's objections.

110 The clerk shall promptly deliver a copy thereof to the claimant.

111 [(d) The Attorney General shall review claims in which he is
112 representing the state before the Claims Commissioner on May 29,
113 1984. In those instances where he determines in accordance with
114 subsection (a) of this section that protection of the state's interest does
115 not reasonably require such representation, the Attorney General shall
116 notify the Claims Commissioner and the state agency or department
117 involved in the claim. The Attorney General shall refer such claims to
118 said state agency or department for representation of the state before
119 the Claims Commissioner.]

120 Sec. 6. Section 4-165b of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective October 1, 2002*):

122 [(a) On and after May 3, 1976, any] Any inmate of any institution of
123 the Department of Correction or the Department of Children and
124 Families who suffers an injury which results in a fatality or in a
125 permanent handicap may file a claim against the state. Such claim shall
126 be heard and decided in accordance with the provisions of this
127 chapter.

128 [(b) All matters pending before the committee established pursuant
129 to section 18-95 of the general statutes, revision of 1958, revised to
130 1975, on May 3, 1976, shall be construed as pending with the same
131 status with the Claims Commissioner on said date.]

132 Sec. 7. Section 7-191 of the general statutes is repealed and the
133 following is substituted in lieu thereof (*Effective October 1, 2002*):

134 (a) The commission shall hold at least two public hearings on the
135 proposed charter, charter amendments or home rule ordinance
136 amendments; one prior to the beginning of any substantive work on
137 such charter, charter amendments or home rule ordinance
138 amendments, and one after the draft report to the appointing authority
139 has been completed, but not submitted, after which hearings the
140 commission may amend such report. The commission may hold such

141 other public hearings as it deems necessary.

142 (b) The commission shall submit its draft report, including the
143 proposed charter, charter amendments or home rule ordinance
144 amendments, to the clerk of the municipality, who shall transmit such
145 report to the appointing authority. The appointing authority shall hold
146 at least one public hearing on the draft report and shall hold its last
147 hearing not later than forty-five days after the submission of the draft
148 report to such clerk. Not later than fifteen days after its last hearing,
149 the appointing authority shall make recommendations to the
150 commission for such changes in the draft report as it deems desirable.

151 (c) If the appointing authority makes no recommendations for
152 changes in the draft report to the commission within such fifteen days,
153 the report of the commission shall be final and the appointing
154 authority shall act on such report. If the appointing authority makes
155 recommendations for changes in the draft report to the commission,
156 the commission shall confer with the appointing authority concerning
157 any such recommendations and may amend any provisions of the
158 proposed charter, charter amendments or home rule ordinance
159 amendments, in accordance with such recommendations, or the
160 commission may reject such recommendations. In either case the
161 commission shall make its final report to the appointing authority not
162 later than thirty days after receiving such recommendations.

163 (d) Not later than fifteen days after receiving the final report, the
164 appointing authority, by a majority vote of its entire membership, shall
165 either approve the proposed charter, charter amendments or home
166 rule ordinance amendments or reject the same or separate provisions
167 thereof. Not later than forty-five days after a vote of the appointing
168 authority to reject such matter, a petition for a referendum thereon,
169 signed by not less than ten per cent of the electors of such
170 municipality, as determined by the last-completed registry list thereof,
171 and filed and certified in accordance with the provisions of section
172 7-188, may be presented to the appointing authority. Not later than
173 thirty days after approval by the appointing authority or the

174 certification of such a petition, the proposed charter, charter
175 amendments or home rule ordinance amendments shall be published
176 in full at least once in a newspaper having a general circulation in the
177 municipality.

178 (e) The appointing authority shall, by a majority vote of its entire
179 membership, determine whether the proposed charter, charter
180 amendments or home rule ordinance amendments shall be submitted
181 to the electors for approval or rejection at a regular election or at a
182 special election warned and held for that purpose, which shall be held
183 not later than fifteen months after either the approval by the
184 appointing authority or the certification of a petition for a referendum.

185 (f) The proposed charter, charter amendments or home rule
186 ordinance amendments shall be prepared for the ballot by the
187 appointing authority and may be submitted in the form of one or
188 several questions; and, if approved by a majority of the electors of the
189 municipality voting thereon at a regular election or if approved by a
190 majority which number equals at least fifteen per cent of the electors of
191 the municipality as determined by the last-completed active registry
192 list of such municipality at a special election, such proposed charter,
193 charter amendments or home rule ordinance amendments shall
194 become effective thirty days after such approval unless an effective
195 date or dates are specified therein, in which event the date or dates
196 specified shall prevail.

197 [(g) Every proposed charter, amendment or amendments or home
198 rule ordinance or amendment or repeal of a home rule ordinance
199 approved at any regular or special election held on or after November
200 5, 1974, and prior to July 1, 1975, shall be deemed to have been
201 effective as of the date of such approval, unless another effective date
202 or dates were specified therein; provided any actions taken by a
203 municipality or any administrative agency or official thereof, under the
204 provisions of its charter or home rule ordinance in effect immediately
205 prior to the date of such approval, between the date of such approval
206 and July 1, 1975, shall be deemed valid.]

207 [(h)] (g) Not later than thirty days after the approval by the electors
208 of any proposed charter, charter amendments or home rule ordinance
209 amendments, the town or city clerk shall file, with the Secretary of the
210 State, (1) three certified copies thereof, with the effective date or dates
211 indicated thereon, and (2) in the case of the approval of charter or
212 home rule ordinance amendments, three certified copies of the
213 complete charter or ordinance incorporating such amendments. The
214 Secretary of the State shall distribute two copies to the State Library,
215 where a file of such charters, charter amendments and home rule
216 ordinance amendments shall be kept for public inspection.

217 Sec. 8. Section 7-439c of the general statutes is repealed and the
218 following is substituted in lieu thereof (*Effective October 1, 2002*):

219 The liability for the increase in benefits provided by sections 7-439b
220 to [7-439e] 7-439d, inclusive, as amended by this act, for retirement
221 allowances based on service rendered before July 1, 1979, shall be
222 discharged by extending the period required for the annual
223 amortization payments being made by the municipality under section
224 7-441 before July 1, 1977, until the date when the total past service
225 liability shall be discharged. Such date shall not be subject to the limits
226 provided in subsection (a) of section 7-441. The proportion of
227 contributions paid to the Retirement Commission monthly under the
228 terms of subsection (b) of said section shall, effective July 1, 1979,
229 include the cost of applying the adjustments of sections 7-439b to [7-
230 439e] 7-439d, inclusive, as amended by this act, to retirement
231 allowances credited for service rendered after July 1, 1979.

232 Sec. 9. Section 7-439d of the general statutes is repealed and the
233 following is substituted in lieu thereof (*Effective October 1, 2002*):

234 The limitation of the maximum retirement allowance provided in
235 subsection (a) of section 7-436 shall not be applicable to increases
236 under sections 7-439b to [7-439e] 7-439d, inclusive.

237 Sec. 10. Subdivision (4) of subsection (a) of section 7-536 of the
238 general statutes, as amended by section 2 of public act 01-197, is

239 repealed and the following is substituted in lieu thereof (*Effective*
240 *October 1, 2002*):

241 (4) "Local capital improvement project" means a municipal capital
242 expenditure project for any of the following purposes: (A) Road
243 construction, renovation, repair or resurfacing, (B) sidewalk and
244 pavement improvements, (C) construction, renovation, enlargement or
245 repair of sewage treatment plants and sanitary or storm, water or
246 sewer lines, including separation of lines, (D) public building
247 construction other than schools, including renovation, repair, code
248 compliance, energy conservation and fire safety projects, (E)
249 construction, renovation, enlargement or repair of dams, bridges and
250 flood control projects, (F) construction, renovation, enlargement or
251 repair of water treatment or filtration plants and water mains, (G)
252 construction, renovation or enlargement of solid waste facilities, (H)
253 improvements to public parks, (I) the preparation and revision of local
254 capital improvement plans projected for a period of not less than five
255 years and so prepared as to show the general description, need and
256 estimated cost of each individual capital improvement, (J)
257 improvements to emergency communications systems, (K) public
258 housing projects, including renovations and improvements and energy
259 conservation and the development of additional housing, (L)
260 renovations to or construction of veterans' memorial monuments, [(M)
261 improvements to information technology systems to manage the
262 century date change effect, as defined in section 4d-16, (N)] (M)
263 thermal imaging systems, [(O)] (N) bulky waste and landfill projects,
264 and [(P)] (O) the preparation and revision of municipal plans of
265 conservation and development adopted pursuant to section 8-23, as
266 amended, provided such plans are endorsed by the legislative body of
267 the municipality not more than one hundred eighty days after
268 adoption by the commission. "Local capital improvement project"
269 means only capital expenditures and includes repairs incident to
270 reconstruction and renovation but does not include ordinary repairs
271 and maintenance of an ongoing nature.

272 Sec. 11. Subsection (a) of section 8-37qq of the general statutes is

273 repealed and the following is substituted in lieu thereof (*Effective*
274 *October 1, 2002*):

275 (a) For the purposes of this section and sections 8-44a, 8-70, 8-78, 8-
276 80, 8-114a, 8-117b, 8-119a, 8-119b, 8-119h, 8-119i, 8-119ee, 8-119hh, 8-
277 119ii, 8-119jj, 8-169w, 8-214g, 8-216b, 8-218b, 8-219b, 8-387, 8-405, 8-410,
278 8-415, 8-420, 16a-40b, 16a-40j, and sections 8-430 to 8-438, inclusive, the
279 following terms shall have the following meanings:

280 (1) "Bond-financed state housing program" means any program
281 administered by the Commissioner of Economic and Community
282 Development which provides financial assistance for housing
283 acquisition, development, rehabilitation or support services, and
284 which may be financed in whole or in part from the proceeds of the
285 state's general obligation bonds, including: Acquisition of surplus land
286 pursuant to section 8-37y, housing authority programs for social and
287 supplementary services, project rehabilitation and improvement and
288 energy conservation pursuant to section 8-44a, moderate rental
289 housing pursuant to section 8-70, moderate cost housing pursuant to
290 section 8-82, [flood relief housing pursuant to section 8-97,] housing for
291 elderly persons pursuant to section 8-114a, congregate housing for the
292 elderly pursuant to section 8-119h, housing for low income persons
293 pursuant to section 8-119dd, financial assistance for redevelopment or
294 urban renewal projects pursuant to section 8-154a, housing and
295 community development pursuant to sections 8-169l and 8-216b, urban
296 homesteading pursuant to subsection (a) of section 8-169w,
297 community housing land bank and land trust program pursuant to
298 section 8-214d, financial assistance for development of limited equity
299 cooperatives and mutual housing pursuant to section 8-214f,
300 community housing development corporations pursuant to sections 8-
301 218 and 8-218a, financial assistance to elderly homeowners for
302 emergency repairs or rehabilitation pursuant to section 8-219b,
303 financial assistance for removal of lead-based paint and asbestos
304 pursuant to section 8-219e, home ownership loans pursuant to
305 subsection (a) of section 8-286, housing programs for homeless persons
306 pursuant to sections 8-356 and 8-357, grants to municipalities for

307 financing low and moderate income rental housing pursuant to section
308 8-365, housing infrastructure grants and loans pursuant to section 8-
309 387, private rental investment mortgage and equity program pursuant
310 to sections 8-401 and 8-403, assistance for housing predevelopment
311 costs pursuant to sections 8-410 and 8-411, residential subsurface
312 sewage disposal system repair program pursuant to sections 8-415 and
313 8-420, energy conservation loans pursuant to section 16a-40b, rent
314 receivership pursuant to section 47a-56j, construction, acquisition and
315 related rehabilitation pursuant to section 8-433 and, any other such
316 program now, heretofore or hereafter existing, and any additions or
317 amendments to such programs.

318 (2) "Administrative expense" means any administrative or other cost
319 or expense incurred by the state in carrying out the provisions of any
320 of the following bond-financed state housing programs, including the
321 hiring of necessary employees and the entering of necessary contracts:
322 Housing authority programs for social and supplementary services,
323 project rehabilitation and improvement, and energy conservation
324 pursuant to section 8-44a, moderate rental housing pursuant to section
325 8-70, moderate cost housing pursuant to section 8-82, [flood relief
326 housing pursuant to section 8-97,] housing for elderly persons
327 pursuant to section 8-114a, congregate housing for the elderly
328 pursuant to section 8-119h, housing for low-income persons pursuant
329 to section 8-119dd, urban homesteading pursuant to subsection (a) of
330 section 8-169w, financial assistance for development of limited equity
331 cooperatives and mutual housing pursuant to section 8-214f, financial
332 assistance to elderly homeowners for emergency repairs or
333 rehabilitation pursuant to section 8-219b, home ownership loans
334 pursuant to subsection (a) of section 8-286, housing programs for
335 homeless persons pursuant to sections 8-356 and 8-357, private rental
336 investment mortgage and equity program pursuant to sections 8-401
337 and 8-403, assistance for housing predevelopment costs pursuant to
338 sections 8-410 and 8-411, residential subsurface sewage disposal
339 system repair pursuant to section 8-415 and section 8-420, energy
340 conservation loans pursuant to section 16a-40b, and construction,

341 acquisition and related rehabilitation pursuant to section 8-433.

342 (3) "State service fee" means any fee or charge assessed or collected
343 by the state for the purpose of paying for any administrative expense,
344 pursuant to subsections (f) and (g) of section 8-44a with respect to
345 housing authority programs for social and supplementary services,
346 project rehabilitation and improvement, and energy conservation,
347 subsection (c) of section 8-70 and section 8-72 with respect to moderate
348 rental housing, subsection (b) of section 8-114a and subsection (a) of
349 section 8-115a with respect to housing for elderly persons, section 8-
350 119h and subsection (a) of section 8-115a with respect to congregate
351 housing for the elderly, section 8-119jj and section 8-72 with respect to
352 housing for low income persons, subsection (c) of section 8-218b with
353 respect to community housing development corporations, subsection
354 (b) of section 8-219b with respect to financial assistance to elderly
355 homeowners for emergency repairs and rehabilitation, and subsection
356 (a) of section 8-405 with respect to the private rental mortgage and
357 equity program.

358 Sec. 12. Section 9-453u of the general statutes is repealed and the
359 following is substituted in lieu thereof (*Effective October 1, 2002*):

360 (a) An application to reserve a party designation with the Secretary
361 of the State and to form a party designation committee may be made at
362 any time after November 3, 1981, by filing in the office of the secretary
363 a written statement signed by at least twenty-five electors who desire
364 to be members of such committee.

365 (b) The statement shall include the offices for which candidates may
366 petition for nomination under the party designation to be reserved but
367 shall not include an office if no elector who has signed the application
368 is entitled to vote at an election for such office.

369 (c) The statement shall include the party designation to be reserved
370 which (1) shall consist of not more than three words and not more than
371 twenty-five letters; (2) shall not incorporate the name of any major
372 party; (3) shall not incorporate the name of any minor party which is

373 entitled to nominate candidates for any office which will appear on the
374 same ballot with any office included in the statement; (4) shall not be
375 the same as any party designation for which a reservation with the
376 secretary is currently in effect for any office included in the statement;
377 and (5) shall not be the word "none", or incorporate the words
378 "unaffiliated" or "unenrolled" or any similarly antonymous form of the
379 words "affiliated" or "enrolled".

380 (d) The statement shall include the names of two persons who are
381 authorized by the party designation committee to execute and file with
382 the secretary statements of endorsement required by section 9-453o
383 and certificates of nomination as required by section 9-460.

384 (e) The secretary shall examine the statement, and if it complies with
385 the requirements of this section, the secretary shall reserve the party
386 designation for the offices included in the statement and record such
387 reservation in the office of the secretary. [Except as provided in
388 subsection (f) of this section, the] The reservation shall continue in
389 effect from the date it is recorded until the day following any regular
390 election at which no candidate appears on the appropriate ballot for
391 that office under that party designation.

392 [(f) If the secretary, before June 24, 1987, has reserved a party
393 designation which (1) is in effect on such date and (2) is prohibited by
394 subdivision (5) of subsection (c) of this section, such reservation shall
395 be cancelled and the secretary shall notify the affected party. The
396 affected party designation committee shall continue in effect with the
397 same rights which it had pursuant to such reservation prior to such
398 cancellation if the committee, not later than January 1, 1988, files with
399 the secretary a certificate changing such former designation to one
400 permitted under subsection (c) of this section. Such certificate shall be
401 signed by the persons authorized by such party designation committee
402 pursuant to the provisions of subsection (d) of this section. If, before
403 June 24, 1987, a political party or organization qualified for minor
404 party status for an office under a party designation which was
405 reserved pursuant to the provisions of this section but which on and

406 after such date is prohibited by subdivision (5) of subsection (c) of this
407 section, such minor party status shall be cancelled, notwithstanding
408 the provisions of subdivision (6) of section 9-372, unless the party
409 designation committee for such minor party files such a certificate of
410 changed party designation with the secretary not later than January 1,
411 1988. If such a committee files such a certificate, the changed name
412 shall also apply to the name of the minor party.]

413 Sec. 13. Section 10-146b of the general statutes is repealed and the
414 following is substituted in lieu thereof (*Effective October 1, 2002*):

415 [(a)] Any person who holds a provisional educator or provisional
416 teaching certificate or held such certificate within one year of
417 application for extension of such certificate and is unable to complete
418 the requirements for a professional educator certificate within the
419 period required, or any person who holds a professional educator
420 certificate or held such certificate within one year of application for
421 extension of such certificate and is unable to complete the
422 requirements for continuation of such professional educator certificate
423 within the period required may appeal to said board for an extension
424 of the applicable period for good cause and said board, if it finds a
425 hardship exists in the case of such person or if it finds an emergency
426 situation because of a shortage of certified teachers in the school
427 district where such person is employed, may extend, effective as of or
428 retroactive to the expiration date of such certificate, such applicable
429 period within which such person shall complete such requirements for
430 such time as to said board seems reasonable, provided not more than
431 one extension shall be granted to such person and, provided further,
432 the record of such person is satisfactory under the provisions of
433 sections 10-145a to 10-145d, inclusive, as amended, and this section.
434 For the purposes of section 10-151, as amended, any lapse period
435 pursuant to this section shall not constitute a break in employment for
436 such person if reemployed and shall be used for the purpose of
437 calculating continuous employment.

438 [(b)] Notwithstanding any provision of the general statutes to the

439 contrary, the Commissioner of Education may waive compliance with
440 a provision of a statute or regulation which establishes standards for
441 the certification of teachers and which was revised effective July 1,
442 1989, provided the person requesting a waiver (1) submits a request for
443 such waiver to the commissioner not later than September 1, 1990, and
444 (2) can demonstrate that prior to July 1, 1989, he met the requirements
445 of the statute or regulation in effect on June 30, 1989, and that failure to
446 qualify under such requirements was due solely to the failure to make
447 a timely filing of an application or documents, that such failure to
448 make a timely filing was a result of a hardship or extenuating
449 circumstance beyond the control of such person and that he filed the
450 application and documents for the requested certification not later
451 than September 1, 1989.]

452 Sec. 14. Section 10-183l of the general statutes, as amended by
453 section 41 of public act 01-1 of the June special session, is repealed and
454 the following is substituted in lieu thereof (*Effective October 1, 2002*):

455 [(a) The management of the system shall continue to be vested in the
456 Teachers' Retirement Board, which shall consist of nine members
457 including the Insurance Commissioner, the Commissioner of Social
458 Services and the Commissioner of Education, or their designees, who
459 shall be members of the board, ex officio. On or before June 15, 1983,
460 and quadrennially thereafter, the members of such system shall elect
461 from their number, in a manner to be prescribed by said board, three
462 persons to serve as members of said board for terms of four years
463 beginning July first following such election. If a vacancy occurs in the
464 positions filled by the members of said system who are not retired,
465 said board shall elect a member of the system who is not retired to fill
466 the unexpired portion of the term. If a vacancy occurs in the position
467 filled by the retired member of said system, said board shall elect a
468 retired member of the system to fill the unexpired portion of the term.
469 The Governor shall appoint three public members to said board in
470 accordance with the provisions of section 4-9a. The members of the
471 board shall serve without compensation, but shall be reimbursed for
472 any expenditures or loss of salary or wages which they incur through

473 service on the board.]

474 [(b)] (a) On and after July 1, 1991, the management of the system
475 shall continue to be vested in the Teachers' Retirement Board, which
476 shall consist of twelve members including the Commissioner of Social
477 Services and the Commissioner of Education, or their designees, who
478 shall be members of the board, ex officio. On or before June 15, 1985,
479 and quadrennially thereafter, the members of such system shall elect
480 from their number, in a manner prescribed by said board, two persons
481 to serve as members of said board for terms of four years beginning
482 July first following such election. Both of such persons shall be active
483 teachers who shall be nominated by the members of the system who
484 are not retired and elected by all the members of the system. On or
485 before July 1, 1991, and quadrennially thereafter, the members of such
486 system shall elect from their number, in a manner prescribed by said
487 board, three persons to serve as members of said board for terms of
488 four years beginning July first following such election. Two of such
489 persons shall be retired teachers who shall be nominated by the retired
490 members of the system and elected by all the members of the system
491 and one shall be an active teacher who shall be nominated by the
492 members of the system who are not retired and elected by all the
493 members of the system. If a vacancy occurs in the positions filled by
494 the members of said system who are not retired, said board shall elect
495 a member of the system who is not retired to fill the unexpired portion
496 of the term. If a vacancy occurs in the positions filled by the retired
497 members of said system, said board shall elect a retired member of the
498 system to fill the unexpired portion of the term. The Governor shall
499 appoint five public members to said board in accordance with the
500 provisions of section 4-9a. The members of the board shall serve
501 without compensation, but shall be reimbursed for any expenditures
502 or loss of salary or wages which they incur through service on the
503 board. All decisions of the board shall require the approval of six
504 members of the board or a majority of the members who are present,
505 whichever is greater.

506 [(c)] (b) In carrying out its duties, the board may employ a secretary

507 and such clerical and other assistance as may be necessary. Their
508 salaries shall be paid by said board with the approval of the Secretary
509 of the Office of Policy and Management. Said board shall employ the
510 services of one or more actuaries, each of which shall be an individual
511 or firm having on its staff a fellow of the Society of Actuaries, to carry
512 out the actuarial duties of this section and sections 10-183b, 10-183r,
513 and 10-183z and for such related purposes as the board deems
514 advisable. The cost of such services shall be charged to the funds
515 provided for in section 10-183r. Said board shall arrange for such
516 actuary to prepare an actuarial valuation of the assets and liabilities of
517 the system as of June 30, 1980, and at least once every two years
518 thereafter. On the basis of reasonable actuarial assumptions approved
519 by the board, such actuary shall determine the normal cost required to
520 meet the actuarial cost of current service and the unfunded accrued
521 liability. Commencing December 1, 2002, such valuation shall be
522 completed prior to December first biennially. Said board shall adopt all
523 needed actuarial tables and may adopt regulations and rules not
524 inconsistent with this chapter, including regulations and rules for
525 payment of purchased service credits and repayment of previously
526 withdrawn accumulated contributions. Said board shall establish such
527 funds as are necessary for the management of the system. The board
528 may enter into such contractual agreements, in accordance with
529 established procedures, as may be necessary for the discharge of its
530 duties.

531 [(d) Notwithstanding the failure of the Teachers' Retirement Board
532 to elect, in accordance with the provisions of subsection (a) of this
533 section, on or before June 15, 1983, three persons to serve as members
534 of said board for terms of four years beginning July 1, 1983, the two
535 persons who were elected in accordance with the provisions of said
536 subsection (a) may continue to serve as members of said board
537 through June 30, 1987, and the member of the board elected under the
538 provisions of section 10-183l of the general statutes, revision of 1958,
539 revised to January 1, 1981, to serve from July 1, 1981, through June 30,
540 1985, may continue to serve as a member through June 30, 1985. Any of

541 the actions of the board taken with the participation of the member
542 elected under the provisions of section 10-183l of the general statutes,
543 revision of 1958, revised to January 1, 1981, which are otherwise valid
544 are hereby validated.]

545 Sec. 15. Section 10-257h of the general statutes is repealed and the
546 following is substituted in lieu thereof (*Effective October 1, 2002*):

547 [(a) Not later than July 18, 1986, the supervising agent of each school
548 district shall provide the executive secretary of the Teachers'
549 Retirement Board with a preliminary report for the fiscal year ending
550 June 30, 1987, which report shall provide the following data for each
551 teacher employed by such school district: (1) Social security number;
552 (2) school district code number; (3) educational preparation; (4) full-
553 time equivalent status; (5) school level; (6) primary assignment code;
554 (7) annual salary; and (8) the contract step at which the teacher is paid.
555 Such supervising agent shall certify in writing that the data supplied
556 on such report is true and accurate. Not later than August 1, 1986, the
557 executive secretary of the Teachers' Retirement Board shall transmit to
558 the Commissioner of Education a certified copy of the data collected
559 by such executive secretary pursuant to the provisions of this
560 subsection.]

561 [(b)] (a) The executive secretary of the Teachers' Retirement Board
562 shall, not later than October 1, 1987, and October first of every
563 succeeding year, transmit to the Commissioner of Education a certified
564 copy of the following data for each teacher reported by school districts
565 to the Teachers' Retirement Board on the annual school staff reports
566 due September 15, 1985, and September fifteenth of every succeeding
567 year: (1) Social security number; (2) school district code number; (3)
568 educational preparation; (4) full-time equivalent status; (5) school
569 level; (6) primary assignment code; (7) annual salary; and (8) the
570 contract step at which the teacher is paid.

571 [(c) The executive secretary of the Teachers' Retirement Board shall,
572 not later than July 1, 1986, transmit to the Commissioner of Education

573 a certified copy of the following data for each teacher reported by
574 school districts to the Teachers' Retirement Board on the annual school
575 staff reports due September 15, 1983, and September 15, 1984: (1) Social
576 security number; (2) school district code number; (3) educational
577 preparation; (4) full-time equivalent status; (5) school level; (6) primary
578 assignment code; and (7) annual salary.]

579 [(d)] (b) Notwithstanding any provision of the general statutes to
580 the contrary, regional school district #19 shall, for teachers employed
581 by such district who are not participants in the teachers' retirement
582 system pursuant to chapter 167a, furnish to the Teachers' Retirement
583 Board in the same manner and at the same time the same information
584 it furnishes to said board pursuant to subdivision (3) of subsection (a)
585 of section 10-183n for teachers who participate in the system.

586 Sec. 16. Section 13a-105 of the general statutes is repealed and the
587 following is substituted in lieu thereof (*Effective October 1, 2002*):

588 When any town has determined to construct or reconstruct any
589 highway, section of highway or bridge, which construction or
590 reconstruction is to be paid for from funds allotted to such town under
591 the provisions of sections 13a-175a to [13a-175h] 13a-175f, inclusive,
592 and the commissioner has entered into an agreement with the
593 selectmen of such town, as provided by sections 13a-175e and 13a-175f,
594 said commissioner shall call for bids and award a contract for such
595 construction or reconstruction in the manner provided by section 13a-
596 95, except that, if, in the opinion of said commissioner, it is to the best
597 interest of the state and such town, [he] the commissioner may award
598 to such town a contract for such construction or reconstruction upon
599 such terms and conditions as [he] the commissioner determines,
600 provided the estimated unit prices under any contract so awarded
601 shall not be in excess of ten per cent more than the average unit prices
602 prevailing during the preceding twelve months for similar work in the
603 state and provided such town shall have authorized the selectmen to
604 enter into such contract in the name and on behalf of such town.
605 Nothing in this section shall be construed to eliminate the use of force

606 account work for the repair of town aid highways. The commissioner
607 may, subject to the approval of the selectmen or legislative body of
608 such town, enter into an agreement with a third party for additional
609 construction or reconstruction works when requested to do so by such
610 third party, provided such third party shall, immediately upon
611 certification by the commissioner, pay to the State Treasurer the full
612 cost to the state of such additional construction or reconstruction
613 works. If under such agreement such additional construction or
614 reconstruction works are carried out by such third party, they shall
615 conform with all requirements and regulations of such town and such
616 as may be prescribed by the commissioner.

617 Sec. 17. Section 13a-106 of the general statutes is repealed and the
618 following is substituted in lieu thereof (*Effective October 1, 2002*):

619 When any town highway is maintained, improved, constructed or
620 reconstructed on a force account basis by expenditure of funds
621 allocated under sections 13a-175a to [13a-175h] 13a-175f, inclusive, the
622 furnishing of gravel, sand or wood posts by competitive bids under
623 section 4a-57 shall not be required when suitable material, meeting
624 Department of Transportation specifications, is available to the town at
625 a unit price acceptable to the commissioner.

626 Sec. 18. Section 13a-123f of the general statutes is repealed and the
627 following is substituted in lieu thereof (*Effective October 1, 2002*):

628 (a) Any junkyard or scrap metal processing facility, lawfully in
629 existence on October 1, 1967, which is within one thousand feet of the
630 nearest edge of the right-of-way and visible from the main traveled
631 way of any highway, as herein defined, and any junkyard or scrap
632 metal processing facility, which is at any time lawfully established
633 within one thousand feet of such edge and visible from the main
634 traveled way of any highway which at any time after October 1, 1967,
635 is made a part of the interstate or primary system, shall be screened, if
636 feasible, by the Commissioner of Transportation at locations within the
637 highway right-of-way or in areas acquired for such purposes outside

638 the right-of-way so as not to be visible from the main traveled way of
639 such highways.

640 (b) When the commissioner determines that the topography of the
641 land adjoining the highway will not permit adequate screening of such
642 junkyards or scrap metal processing facilities, or the screening of such
643 junkyards or scrap metal processing facilities would not be
644 economically feasible, the commissioner may acquire by gift, purchase,
645 exchange or condemnation such interests in lands on which the
646 junkyard or scrap metal processing facility is located as may be
647 necessary to secure the removal or disposal of the junkyards or scrap
648 metal processing facilities, and pay for the costs of removal or disposal
649 thereof. When the commissioner determines that it is in the best
650 interest of the state, he may acquire by purchase, gift, exchange or
651 condemnation such lands, or interests in lands, of the junkyard owner
652 or scrap metal processing facility owner as may be necessary to
653 provide adequate screening of such junkyards or scrap metal
654 processing facilities, and he may purchase land or interests in land
655 from owners other than the junkyard owner or scrap metal processing
656 facility owner for the purpose of providing adequate screening of such
657 junkyards or scrap metal processing facilities.

658 [(c) Notwithstanding any provision of sections 13a-123c to 13a-123j,
659 inclusive, or regulation promulgated pursuant thereto, any junkyard
660 or scrap metal processing facility in existence on October 22, 1965,
661 which does not conform to the requirements of said sections and
662 which the commissioner finds as a practical matter cannot be screened
663 shall not be required to be removed until July 1, 1970.]

664 Sec. 19. Subsection (b) of section 13b-268 of the general statutes is
665 repealed and the following is substituted in lieu thereof (*Effective*
666 *October 1, 2002*):

667 (b) On or after October 1, 1989, no public railroad crossing at grade
668 shall be constructed unless authorized by special act of the General
669 Assembly. The Commissioner of Transportation, upon the request of

670 the joint standing committee on transportation or upon his own
671 initiative, shall investigate and make recommendations concerning the
672 creation of such a crossing. Such investigation shall include a public
673 hearing on the creation of such a crossing. The commissioner shall
674 provide reasonable notice to the town, city or borough where such
675 crossing is to be located, any railroad utilizing the rail line and the
676 party requesting the crossing and to the public through publication of
677 notice in a newspaper having general circulation in the municipality
678 where such crossing is to be located. Any proposed legislation for the
679 creation of such a crossing shall be accompanied by a detailed report
680 containing, but not limited to the following information: The date of
681 the public hearing, any requirements for the protection of persons
682 using the crossing, including but not limited to the protections
683 established in sections 13b-342 to [13b-347] 13b-346, inclusive, and a
684 recommendation concerning the party to bear the costs of construction,
685 installation and maintenance of such crossing.

686 Sec. 20. Section 13b-287 of the general statutes is repealed and the
687 following is substituted in lieu thereof (*Effective October 1, 2002*):

688 Whenever the Commissioner of Transportation orders a change in
689 the location of a highway under the provisions of section 13b-285 [or
690 13b-286,] and the parties ordered by the commissioner to do the work
691 cannot obtain the necessary land by agreement, the company, or the
692 town, city or borough ordered to do the work, may take the land
693 necessary for carrying out the orders of the commissioner.

694 Sec. 21. Section 13b-288 of the general statutes is repealed and the
695 following is substituted in lieu thereof (*Effective October 1, 2002*):

696 The provisions of sections [13b-206,] 13b-248, 13b-249, 13b-250, 13b-
697 253, 13b-263, 13b-265, 13b-285 [.] and 13b-289 [and 13b-368] shall be
698 deemed a part of the charter of every company authorized to
699 construct, own or operate any railroad within this state, and all powers
700 and privileges conferred and all duties and obligations imposed upon
701 such companies by said sections are conferred or imposed upon such

702 companies in the same manner and to the same extent as if the
703 provisions of said sections were parts of the charters of such
704 companies.

705 Sec. 22. Subsection (e) of section 16-2 of the general statutes is
706 repealed and the following is substituted in lieu thereof (*Effective*
707 *October 1, 2002*):

708 [(e) (1) To insure the highest standard of public utility regulation,
709 prior to July 1, 1997, at least three commissioners of the authority shall
710 have training or experience in at least one of the following fields:
711 Economics, engineering, law, accounting or finance. Prior to July 1,
712 1997, at least two of these fields shall be represented on the authority at
713 all times.]

714 [(2)] (e) To insure the highest standard of public utility regulation,
715 on and after July 1, 1997, at least three of the commissioners of the
716 authority shall have education or training and three or more years of
717 experience in one or more of the following fields: Economics,
718 engineering, law, accounting, finance, utility regulation, public or
719 government administration, consumer advocacy, business
720 management, and environmental management. On and after July 1,
721 1997, at least three of these fields shall be represented on the authority
722 by individual commissioners at all times.

723 Sec. 23. Section 16-19k of the general statutes is repealed and the
724 following is substituted in lieu thereof (*Effective October 1, 2002*):

725 The Department of Public Utility Control may include the costs [of a
726 water company's residential retrofit program and] of educational
727 materials or information on water conservation required pursuant to
728 [section 25-32h and] section 25-32k, as amended, as operating costs for
729 rate-making purposes upon determination by the department that
730 such costs are reasonable. The provisions of this section shall apply to
731 any water company required to provide or that voluntarily makes
732 available the [residential retrofit program or] educational materials or
733 information on water conservation.

734 Sec. 24. Section 16-255 of the general statutes is repealed and the
735 following is substituted in lieu thereof (*Effective October 1, 2002*):

736 All companies, associations or corporations affected by the
737 provisions of sections 16-248 to [16-254] 16-253, inclusive, shall, subject
738 to the restrictions therein imposed, have all the powers and rights of
739 construction that are or have by law been conferred upon any domestic
740 telephone corporation by special charter or otherwise.

741 Sec. 25. Section 17a-210a of the general statutes is repealed and the
742 following is substituted in lieu thereof (*Effective October 1, 2002*):

743 (a) The Commissioner of Mental Retardation shall establish an
744 independent ombudsperson office within the Department of Mental
745 Retardation that is responsible for receiving and making
746 recommendations to the commissioner for resolving complaints
747 affecting consumers under the care or supervision of the department
748 or of any public or private agency with which the department has
749 contracted for the provision of services.

750 (b) The director of the ombudsperson office shall report monthly to
751 the Council on Mental Retardation established by section 17a-270 and
752 by December 15, 1999, and annually thereafter, to the joint standing
753 committee of the General Assembly having cognizance of matters
754 relating to public health.

755 [(c) Not later than September 1, 1999, the commissioner shall
756 convene a special selection committee for advice and
757 recommendations in the hiring or appointment of a director for the
758 ombudsperson office established under subsection (a) of this section.
759 The selection committee shall include self-advocates and family
760 members of persons with mental retardation.]

761 Sec. 26. Subsection (g) of section 17a-248g of the general statutes is
762 repealed and the following is substituted in lieu thereof (*Effective*
763 *October 1, 2002*):

764 (g) Notwithstanding any provision of title 38a relating to the
765 permissible exclusion of payments for services under governmental
766 programs, no such exclusion shall apply with respect to payments
767 made pursuant to section 17a-248, sections 17a-248b to 17a-248f,
768 inclusive, this section and sections 38a-490a and 38a-516a. Except as
769 provided in this subsection, nothing in this section shall increase or
770 enhance coverages provided for within an insurance contract subject to
771 the provisions of section 10-94f, subsection (a) of section 10-94g,
772 subsection (a) of section 17a-219b, subsection (a) of section 17a-219c, as
773 amended, sections 17a-248, 17a-248b to 17a-248f, inclusive, this section,
774 and sections [19a-1c,] 38a-490a and 38a-516a.

775 Sec. 27. Subsection (a) of section 17a-450a of the general statutes is
776 repealed and the following is substituted in lieu thereof (*Effective*
777 *October 1, 2002*):

778 (a) The Department of Mental Health and Addiction Services shall
779 constitute a successor department to the Department of Mental Health.
780 Whenever the words "Commissioner of Mental Health" are used or
781 referred to in the following general statutes, the words "Commissioner
782 of Mental Health and Addiction Services" shall be substituted in lieu
783 thereof and whenever the words "Department of Mental Health" are
784 used or referred to in the following general statutes, the words
785 "Department of Mental Health and Addiction Services" shall be
786 substituted in lieu thereof: 2c-2b, as amended, 4-5, 4-38c, 4-60i, 4-77a,
787 4a-12, 4a-16, as amended, 5-142, as amended, 8-206d, 10-19, 10-71, 10-
788 76d, as amended, 13b-38n, 17a-14, 17a-26, 17a-31, 17a-33, 17a-218, 17a-
789 246, 17a-450, 17a-451, as amended, 17a-452, 17a-453, as amended, 17a-
790 454, 17a-455, 17a-456, 17a-457, as amended, 17a-458, 17a-459, 17a-460,
791 17a-463, 17a-464, 17a-465, 17a-466, 17a-467, 17a-468, 17a-470, 17a-471,
792 17a-472, 17a-473, 17a-474, 17a-476, 17a-478, 17a-479, 17a-480, 17a-481,
793 17a-482, 17a-483, 17a-484, 17a-498, 17a-499, 17a-502, 17a-506, 17a-510,
794 17a-511, 17a-512, 17a-513, 17a-519, 17a-528, 17a-560, 17a-561, 17a-562,
795 17a-565, 17a-576, 17a-581, 17a-582, 17a-675, 17b-28, 17b-222, 17b-223,
796 17b-225, 17b-359, 17b-420, 17b-694, 19a-82, 19a-495, as amended, 19a-
797 498, as amended, 19a-507a, 19a-507c, 19a-576, 19a-583, 20-14i, 20-14j,

798 21a-240, 21a-301, [22a-224,] 27-122a, 31-222, as amended, 38a-514, 46a-
799 28, 51-51o, 52-146h and 54-56d, as amended.

800 Sec. 28. Section 17a-750 of the general statutes is repealed and the
801 following is substituted in lieu thereof (*Effective October 1, 2002*):

802 As used in sections 17a-750 to [17a-754] 17a-753, inclusive:

803 (1) "Northeastern region" means the towns of Brooklyn, Canterbury,
804 Eastford, Killingly, Plainfield, Pomfret, Putnam, Sterling, Thompson
805 and Woodstock;

806 (2) "Human services" means services provided to persons or families
807 experiencing difficulty in meeting their basic human needs for (A)
808 physical survival, including their need for food, shelter, clothing and
809 maintenance of minimum income, (B) preparing for and sustaining
810 employment, (C) job readiness, including employment and training
811 programs and child care programs, (D) social support and interaction,
812 especially in time of personal or family crisis, (E) assistance in
813 addressing specific pathologies, such as health, mental health and
814 substance abuse, and (F) access to available appropriate services, such
815 as education, transportation, information and referral services and
816 includes remedial and preventative services targeted to low and
817 moderate income individuals and families, by age group or by specific
818 need;

819 (3) "Negotiated investment strategy" means a mediated negotiation
820 process to solve problems, resolve conflicts, develop plans for joint
821 action and to implement those plans by involving all affected interests
822 and which requires (A) an implementation plan to establish coherent,
823 coordinated strategies to guide and target the investment of time and
824 resources by all public and private interests, and (B) a written
825 agreement that sets forth each party's roles and commitments and
826 provides for subsequent monitoring to assure the commitments are
827 carried out; and

828 (4) "State agency" means each state board, authority, commissioner,

829 department, office, institution, council or other agency of the state,
830 including, but not limited to, each constituent unit and each public
831 institution of higher education.

832 Sec. 29. Subsection (a) of section 17b-118 of the general statutes is
833 repealed and the following is substituted in lieu thereof (*Effective*
834 *October 1, 2002*):

835 (a) No assistance or care shall be given under sections 17b-19, 17b-
836 111, and 17b-116 to [17b-133] 17b-132, inclusive, as amended, to an
837 employable person by the state or the town liable to support such
838 person in accordance with sections 17b-111, 17b-116, as amended, and
839 17b-134. On and after July 1, 1995, financial assistance granted under
840 the general assistance program and state-administered general
841 assistance, to a person who has been determined to be a transitional
842 individual, as defined in section 17b-689, shall be limited to a twenty-
843 four-month period of eligibility with no more than ten months of
844 assistance in the first twelve months of eligibility and no more than six
845 months of assistance in the second twelve months of eligibility.
846 Persons with dependent children under eighteen years of age and
847 transitional individuals who are not classified as such solely due to
848 mental illness or substance abuse who are eligible for assistance under
849 sections 17b-19, 17b-63 to 17b-65, inclusive, 17b-111, 17b-116 to 17b-
850 138, inclusive, as amended, 17b-220 to 17b-250, inclusive, as amended,
851 17b-256, as amended, 17b-259, as amended, 17b-263, 17b-287, 17b-340
852 to 17b-350, inclusive, as amended, and 17b-743 to 17b-747, inclusive, as
853 amended, shall not be subject to the durational limits on assistance
854 established pursuant to this section. The Commissioner of Social
855 Services shall adopt regulations, in accordance with the provisions of
856 chapter 54, to implement the provisions of this subsection.

857 Sec. 30. Section 17b-127 of the general statutes is repealed and the
858 following is substituted in lieu thereof (*Effective October 1, 2002*):

859 (a) No vendor of goods or services sold to or performed for any
860 beneficiary of assistance under sections 17b-19, 17b-116 to [17b-133]

861 17b-132, inclusive, as amended, 17b-259, as amended, 17b-263, 17b-689,
862 and 17b-689b shall, with intent to defraud, present for payment any
863 false claim for goods or services performed, or accept payment for
864 goods or services performed, which exceeds the amounts due for
865 goods or services performed.

866 (b) Any person or vendor who defrauds or assists in defrauding any
867 town as to the support of its paupers, or deceives the selectmen thereof
868 in obtaining support for any person not entitled to the same, or is
869 found in violation of subsection (a) of this section, shall be subject to
870 (1) the penalties for larceny under sections 53a-122 to 53a-125b,
871 inclusive, depending on the amount involved and (2) repayment to a
872 town for the defrauded amount. In addition, any such person or
873 vendor shall be subject to forfeiture of privileges of participation in the
874 program provided under sections 17b-19, 17b-116 to [17b-133] 17b-132,
875 inclusive, as amended, 17b-259, as amended, 17b-263, 17b-689 and 17b-
876 689b. Any person or vendor who is convicted of violating this section
877 shall be terminated from participation in such program, effective upon
878 conviction. No vendor so terminated shall be readmitted to such
879 program.

880 (c) Any person who defrauds the town to obtain any monetary
881 award to which [he] such person is not entitled, assists another person
882 in so defrauding the town or with intent to defraud, or violates any
883 other provision of sections 17b-19, 17b-63 to 17b-65, inclusive, 17b-116
884 to 17b-138, inclusive, as amended, 17b-220 to 17b-250, inclusive, as
885 amended, 17b-256, as amended, 17b-259, as amended, 17b-263, 17b-
886 287, 17b-340 to 17b-350, inclusive, as amended, 17b-689, 17b-689b and
887 17b-743 to 17b-747, inclusive, as amended, shall be subject to the
888 penalties for larceny under sections 53a-122 and 53a-123, depending on
889 the amount involved. Any person convicted of violating this section
890 shall be terminated from participation in the program for a period of at
891 least one year.

892 Sec. 31. Subsection (c) of section 17b-266 of the general statutes is
893 repealed and the following is substituted in lieu thereof (*Effective*

894 October 1, 2002):

895 (c) Providers of comprehensive health care services as described in
896 subdivisions (2), (3) and (4) of subsection (b) of this section shall not be
897 subject to the provisions of chapter 698a or, in the case of an integrated
898 service network, sections 17b-239 to 17b-245, inclusive, as amended,
899 17b-281, 17b-340, as amended, or 17b-342 to [17b-344] 17b-343,
900 inclusive, as amended,. Any such provider shall be certified by the
901 Commissioner of Social Services in accordance with criteria established
902 by the commissioner, including, but not limited to, minimum reserve
903 fund requirements.

904 Sec. 32. Subsection (f) of section 17b-340 of the general statutes, as
905 amended by section 52 of public act 01-2 of the June special session
906 and section 95 of public act 01-9 of the June special session, is repealed
907 and the following is substituted in lieu thereof (*Effective October 1,*
908 *2002*):

909 (f) For the fiscal year ending June 30, 1992, the rates paid by or for
910 persons aided or cared for by the state or any town in this state to
911 facilities for room, board and services specified in licensing regulations
912 issued by the licensing agency, except intermediate care facilities for
913 the mentally retarded and residential care homes, shall be based on the
914 cost year ending September 30, 1989. For the fiscal years ending June
915 30, 1993, and June 30, 1994, such rates shall be based on the cost year
916 ending September 30, 1990. [Notwithstanding the provisions of section
917 17b-344, such] Such rates shall be determined by the Commissioner of
918 Social Services in accordance with this section and the regulations of
919 Connecticut state agencies promulgated by the commissioner and in
920 effect on April 1, 1991, except that:

921 (1) Allowable costs shall be divided into the following five cost
922 components: Direct costs, which shall include salaries for nursing
923 personnel, related fringe benefits and nursing pool costs; indirect costs,
924 which shall include professional fees, dietary expenses, housekeeping
925 expenses, laundry expenses, supplies related to patient care, salaries

926 for indirect care personnel and related fringe benefits; fair rent, which
927 shall be defined in accordance with subsection (f) of section 17-311-52
928 of the regulations of Connecticut state agencies; capital-related costs,
929 which shall include property taxes, insurance expenses, equipment
930 leases and equipment depreciation; and administrative and general
931 costs, which shall include maintenance and operation of plant
932 expenses, salaries for administrative and maintenance personnel and
933 related fringe benefits. The commissioner may provide a rate
934 adjustment for nonemergency transportation services required by
935 nursing facility residents. Such adjustment shall be a fixed amount
936 determined annually by the commissioner based upon a review of
937 costs and other associated information. Allowable costs shall not
938 include costs for ancillary services payable under Part B of the
939 Medicare program.

940 (2) Two geographic peer groupings of facilities shall be established
941 for each level of care, as defined by the Department of Social Services
942 for the determination of rates, for the purpose of determining
943 allowable direct costs. One peer grouping shall be comprised of those
944 facilities located in Fairfield County. The other peer grouping shall be
945 comprised of facilities located in all other counties.

946 (3) For the fiscal year ending June 30, 1992, per diem maximum
947 allowable costs for each cost component shall be as follows: For direct
948 costs, the maximum shall be equal to one hundred forty per cent of the
949 median allowable cost of that peer grouping; for indirect costs, the
950 maximum shall be equal to one hundred thirty per cent of the state-
951 wide median allowable cost; for fair rent, the amount shall be
952 calculated utilizing the amount approved by the Office of Health Care
953 Access pursuant to section 19a-638; for capital-related costs, there shall
954 be no maximum; and for administrative and general costs, the
955 maximum shall be equal to one hundred twenty-five per cent of the
956 state-wide median allowable cost. For the fiscal year ending June 30,
957 1993, per diem maximum allowable costs for each cost component
958 shall be as follows: For direct costs, the maximum shall be equal to one
959 hundred forty per cent of the median allowable cost of that peer

960 grouping; for indirect costs, the maximum shall be equal to one
961 hundred twenty-five per cent of the state-wide median allowable cost;
962 for fair rent, the amount shall be calculated utilizing the amount
963 approved by the Office of Health Care Access pursuant to section 19a-
964 638; for capital-related costs, there shall be no maximum; and for
965 administrative and general costs the maximum shall be equal to one
966 hundred fifteen per cent of the state-wide median allowable cost. For
967 the fiscal year ending June 30, 1994, per diem maximum allowable
968 costs for each cost component shall be as follows: For direct costs, the
969 maximum shall be equal to one hundred thirty-five per cent of the
970 median allowable cost of that peer grouping; for indirect costs, the
971 maximum shall be equal to one hundred twenty per cent of the state-
972 wide median allowable cost; for fair rent, the amount shall be
973 calculated utilizing the amount approved by the Office of Health Care
974 Access pursuant to section 19a-638; for capital-related costs, there shall
975 be no maximum; and for administrative and general costs the
976 maximum shall be equal to one hundred ten per cent of the state-wide
977 median allowable cost. For the fiscal year ending June 30, 1995, per
978 diem maximum allowable costs for each cost component shall be as
979 follows: For direct costs, the maximum shall be equal to one hundred
980 thirty-five per cent of the median allowable cost of that peer grouping;
981 for indirect costs, the maximum shall be equal to one hundred twenty
982 per cent of the state-wide median allowable cost; for fair rent, the
983 amount shall be calculated utilizing the amount approved by the
984 Office of Health Care Access pursuant to section 19a-638; for capital-
985 related costs, there shall be no maximum; and for administrative and
986 general costs the maximum shall be equal to one hundred five per cent
987 of the state-wide median allowable cost. For the fiscal year ending June
988 30, 1996, and any succeeding fiscal year, except for the fiscal years
989 ending June 30, 2000, and June 30, 2001, for facilities with an interim
990 rate in one or both periods, per diem maximum allowable costs for
991 each cost component shall be as follows: For direct costs, the maximum
992 shall be equal to one hundred thirty-five per cent of the median
993 allowable cost of that peer grouping; for indirect costs, the maximum
994 shall be equal to one hundred fifteen per cent of the state-wide median

allowable cost; for fair rent, the amount shall be calculated utilizing the amount approved pursuant to section 19a-638; for capital-related costs, there shall be no maximum; and for administrative and general costs the maximum shall be equal to the state-wide median allowable cost. For the fiscal years ending June 30, 2000, and June 30, 2001, for facilities with an interim rate in one or both periods, per diem maximum allowable costs for each cost component shall be as follows: For direct costs, the maximum shall be equal to one hundred forty-five per cent of the median allowable cost of that peer grouping; for indirect costs, the maximum shall be equal to one hundred twenty-five per cent of the state-wide median allowable cost; for fair rent, the amount shall be calculated utilizing the amount approved pursuant to section 19a-638; for capital-related costs, there shall be no maximum; and for administrative and general costs, the maximum shall be equal to the state-wide median allowable cost and such medians shall be based upon the same cost year used to set rates for facilities with prospective rates. Costs in excess of the maximum amounts established under this subsection shall not be recognized as allowable costs, except that the Commissioner of Social Services (A) may allow costs in excess of maximum amounts for any facility with patient days covered by Medicare, including days requiring coinsurance, in excess of twelve per cent of annual patient days which also has patient days covered by Medicaid in excess of fifty per cent of annual patient days; (B) may establish a pilot program whereby costs in excess of maximum amounts shall be allowed for beds in a nursing home which has a managed care program and is affiliated with a hospital licensed under chapter 368v; and (C) may establish rates whereby allowable costs may exceed such maximum amounts for beds approved on or after July 1, 1991, which are restricted to use by patients with acquired immune deficiency syndrome or traumatic brain injury.

(4) For the fiscal year ending June 30, 1992, (A) no facility shall receive a rate that is less than the rate it received for the rate year ending June 30, 1991; (B) no facility whose rate, if determined pursuant to this subsection, would exceed one hundred twenty per cent of the

1029 state-wide median rate, as determined pursuant to this subsection,
1030 shall receive a rate which is five and one-half per cent more than the
1031 rate it received for the rate year ending June 30, 1991; and (C) no
1032 facility whose rate, if determined pursuant to this subsection, would be
1033 less than one hundred twenty per cent of the state-wide median rate,
1034 as determined pursuant to this subsection, shall receive a rate which is
1035 six and one-half per cent more than the rate it received for the rate year
1036 ending June 30, 1991. For the fiscal year ending June 30, 1993, no
1037 facility shall receive a rate that is less than the rate it received for the
1038 rate year ending June 30, 1992, or six per cent more than the rate it
1039 received for the rate year ending June 30, 1992. For the fiscal year
1040 ending June 30, 1994, no facility shall receive a rate that is less than the
1041 rate it received for the rate year ending June 30, 1993, or six per cent
1042 more than the rate it received for the rate year ending June 30, 1993.
1043 For the fiscal year ending June 30, 1995, no facility shall receive a rate
1044 that is more than five per cent less than the rate it received for the rate
1045 year ending June 30, 1994, or six per cent more than the rate it received
1046 for the rate year ending June 30, 1994. For the fiscal years ending June
1047 30, 1996, and June 30, 1997, no facility shall receive a rate that is more
1048 than three per cent more than the rate it received for the prior rate
1049 year. For the fiscal year ending June 30, 1998, a facility shall receive a
1050 rate increase that is not more than two per cent more than the rate that
1051 the facility received in the prior year. For the fiscal year ending June
1052 30, 1999, a facility shall receive a rate increase that is not more than
1053 three per cent more than the rate that the facility received in the prior
1054 year and that is not less than one per cent more than the rate that the
1055 facility received in the prior year, exclusive of rate increases associated
1056 with a wage, benefit and staffing enhancement rate adjustment added
1057 for the period from April 1, 1999, to June 30, 1999, inclusive. For the
1058 fiscal year ending June 30, 2000, each facility, except a facility with an
1059 interim rate or replaced interim rate for the fiscal year ending June 30,
1060 1999, and a facility having a certificate of need or other agreement
1061 specifying rate adjustments for the fiscal year ending June 30, 2000,
1062 shall receive a rate increase equal to one per cent applied to the rate the
1063 facility received for the fiscal year ending June 30, 1999, exclusive of

1064 the facility's wage, benefit and staffing enhancement rate adjustment.
1065 For the fiscal year ending June 30, 2000, no facility with an interim rate,
1066 replaced interim rate or scheduled rate adjustment specified in a
1067 certificate of need or other agreement for the fiscal year ending June
1068 30, 2000, shall receive a rate increase that is more than one per cent
1069 more than the rate the facility received in the fiscal year ending June
1070 30, 1999. For the fiscal year ending June 30, 2001, each facility, except a
1071 facility with an interim rate or replaced interim rate for the fiscal year
1072 ending June 30, 2000, and a facility having a certificate of need or other
1073 agreement specifying rate adjustments for the fiscal year ending June
1074 30, 2001, shall receive a rate increase equal to two per cent applied to
1075 the rate the facility received for the fiscal year ending June 30, 2000,
1076 subject to verification of wage enhancement adjustments pursuant to
1077 subdivision (15) of this subsection. For the fiscal year ending June 30,
1078 2001, no facility with an interim rate, replaced interim rate or
1079 scheduled rate adjustment specified in a certificate of need or other
1080 agreement for the fiscal year ending June 30, 2001, shall receive a rate
1081 increase that is more than two per cent more than the rate the facility
1082 received for the fiscal year ending June 30, 2000. For the fiscal year
1083 ending June 30, 2002, each facility shall receive a rate that is two and
1084 one-half per cent more than the rate the facility received in the prior
1085 fiscal year. For the fiscal year ending June 30, 2003, each facility shall
1086 receive a rate that is two per cent more than the rate the facility
1087 received in the prior fiscal year. The Commissioner of Social Services
1088 shall add fair rent increases to any other rate increases established
1089 pursuant to this subdivision for a facility which has undergone a
1090 material change in circumstances related to fair rent.

1091 (5) For the purpose of determining allowable fair rent, a facility with
1092 allowable fair rent less than the twenty-fifth percentile of the state-
1093 wide allowable fair rent shall be reimbursed as having allowable fair
1094 rent equal to the twenty-fifth percentile of the state-wide allowable fair
1095 rent, provided for the fiscal years ending June 30, 1996, and June 30,
1096 1997, the reimbursement may not exceed the twenty-fifth percentile of
1097 the state-wide allowable fair rent for the fiscal year ending June 30,

1098 1995. On and after July 1, 1998, the Commissioner of Social Services
1099 may allow minimum fair rent as the basis upon which reimbursement
1100 associated with improvements to real property is added. Beginning
1101 with the fiscal year ending June 30, 1996, any facility with a rate of
1102 return on real property other than land in excess of eleven per cent
1103 shall have such allowance revised to eleven per cent. Any facility or its
1104 related realty affiliate which finances or refinances debt through bonds
1105 issued by the State of Connecticut Health and Education Facilities
1106 Authority shall report the terms and conditions of such financing or
1107 refinancing to the Commissioner of Social Services within thirty days
1108 of completing such financing or refinancing. The Commissioner of
1109 Social Services may revise the facility's fair rent component of its rate
1110 to reflect any financial benefit the facility or its related realty affiliate
1111 received as a result of such financing or refinancing, including but not
1112 limited to, reductions in the amount of debt service payments or
1113 period of debt repayment. The commissioner shall allow actual debt
1114 service costs for bonds issued by the State of Connecticut Health and
1115 Educational Facilities Authority if such costs do not exceed property
1116 costs allowed pursuant to subsection (f) of section 17-311-52 of the
1117 regulations of Connecticut state agencies, provided the commissioner
1118 may allow higher debt service costs for such bonds for good cause. For
1119 facilities which first open on or after October 1, 1992, the commissioner
1120 shall determine allowable fair rent for real property other than land
1121 based on the rate of return for the cost year in which such bonds were
1122 issued. The financial benefit resulting from a facility financing or
1123 refinancing debt through such bonds shall be shared between the state
1124 and the facility to an extent determined by the commissioner on a case-
1125 by-case basis and shall be reflected in an adjustment to the facility's
1126 allowable fair rent.

1127 (6) A facility shall receive cost efficiency adjustments for indirect
1128 costs and for administrative and general costs if such costs are below
1129 the state-wide median costs. The cost efficiency adjustments shall
1130 equal twenty-five per cent of the difference between allowable
1131 reported costs and the applicable median allowable cost established

1132 pursuant to this subdivision.

1133 (7) For the fiscal year ending June 30, 1992, allowable operating
1134 costs, excluding fair rent, shall be inflated using the Regional Data
1135 Resources Incorporated McGraw-Hill Health Care Costs: Consumer
1136 Price Index (all urban)-All Items minus one and one-half per cent. For
1137 the fiscal year ending June 30, 1993, allowable operating costs,
1138 excluding fair rent, shall be inflated using the Regional Data Resources
1139 Incorporated McGraw-Hill Health Care Costs: Consumer Price Index
1140 (all urban)-All Items minus one and three-quarters per cent. For the
1141 fiscal years ending June 30, 1994, and June 30, 1995, allowable
1142 operating costs, excluding fair rent, shall be inflated using the Regional
1143 Data Resources Incorporated McGraw-Hill Health Care Costs:
1144 Consumer Price Index (all urban)-All Items minus two per cent. For
1145 the fiscal year ending June 30, 1996, allowable operating costs,
1146 excluding fair rent, shall be inflated using the Regional Data Resources
1147 Incorporated McGraw-Hill Health Care Costs: Consumer Price Index
1148 (all urban)-All Items minus two and one-half per cent. For the fiscal
1149 year ending June 30, 1997, allowable operating costs, excluding fair
1150 rent, shall be inflated using the Regional Data Resources Incorporated
1151 McGraw-Hill Health Care Costs: Consumer Price Index (all urban)-All
1152 Items minus three and one-half per cent. For the fiscal year ending
1153 June 30, 1992, and any succeeding fiscal year, allowable fair rent shall
1154 be those reported in the annual report of long-term care facilities for
1155 the cost year ending the immediately preceding September thirtieth.
1156 The inflation index to be used pursuant to this subsection shall be
1157 computed to reflect inflation between the midpoint of the cost year
1158 through the midpoint of the rate year. The Department of Social
1159 Services shall study methods of reimbursement for fair rent and shall
1160 report its findings and recommendations to the joint standing
1161 committee of the General Assembly having cognizance of matters
1162 relating to human services on or before January 15, 1993.

1163 (8) On and after July 1, 1994, costs shall be rebased no more
1164 frequently than every two years and no less frequently than every four
1165 years, as determined by the commissioner. The commissioner shall

1166 determine whether and to what extent a change in ownership of a
1167 facility shall occasion the rebasing of the facility's costs.

1168 (9) The method of establishing rates for new facilities shall be
1169 determined by the commissioner in accordance with the provisions of
1170 this subsection.

1171 (10) Rates determined under this section shall comply with federal
1172 laws and regulations.

1173 (11) For the fiscal year ending June 30, 1992, and any succeeding
1174 fiscal year, one-half of the initial amount payable in June by the state to
1175 a facility pursuant to this subsection shall be paid to the facility in June
1176 and the balance of such amount shall be paid in July.

1177 (12) Notwithstanding the provisions of this subsection, interim rates
1178 issued for facilities on and after July 1, 1991, shall be subject to
1179 applicable fiscal year cost component limitations established pursuant
1180 to subdivision (3) of this subsection.

1181 (13) A chronic and convalescent nursing home having an ownership
1182 affiliation with and operated at the same location as a chronic disease
1183 hospital may request that the commissioner approve an exception to
1184 applicable rate-setting provisions for chronic and convalescent nursing
1185 homes and establish a rate for the fiscal years ending June 30, 1992,
1186 and June 30, 1993, in accordance with regulations in effect June 30,
1187 1991. Any such rate shall not exceed one hundred sixty-five per cent of
1188 the median rate established for chronic and convalescent nursing
1189 homes established under this section for the applicable fiscal year.

1190 (14) For the fiscal year ending June 30, 1994, and any succeeding
1191 fiscal year, for purposes of computing minimum allowable patient
1192 days, utilization of a facility's certified beds shall be determined at a
1193 minimum of ninety-five per cent of capacity, except for new facilities
1194 and facilities which are certified for additional beds which may be
1195 permitted a lower occupancy rate for the first three months of
1196 operation after the effective date of licensure.

1197 (15) The Commissioner of Social Services shall adjust facility rates
1198 from April 1, 1999, to June 30, 1999, inclusive, by a per diem amount
1199 representing each facility's allocation of funds appropriated for the
1200 purpose of wage, benefit and staffing enhancement. A facility's per
1201 diem allocation of such funding shall be computed as follows: (A) The
1202 facility's direct and indirect component salary, wage, nursing pool and
1203 allocated fringe benefit costs as filed for the 1998 cost report period
1204 deemed allowable in accordance with this section and applicable
1205 regulations without application of cost component maximums
1206 specified in subdivision (3) of this subsection shall be totalled; (B) such
1207 total shall be multiplied by the facility's Medicaid utilization based on
1208 the 1998 cost report; (C) the resulting amount for the facility shall be
1209 divided by the sum of the calculations specified in subparagraphs (A)
1210 and (B) of this subdivision for all facilities to determine the facility's
1211 percentage share of appropriated wage, benefit and staffing
1212 enhancement funding; (D) the facility's percentage share shall be
1213 multiplied by the amount of appropriated wage, benefit and staffing
1214 enhancement funding to determine the facility's allocated amount; and
1215 (E) such allocated amount shall be divided by the number of days of
1216 care paid for by Medicaid on an annual basis including days for
1217 reserved beds specified in the 1998 cost report to determine the per
1218 diem wage and benefit rate adjustment amount. The commissioner
1219 may adjust a facility's reported 1998 cost and utilization data for the
1220 purposes of determining a facility's share of wage, benefit and staffing
1221 enhancement funding when reported 1998 information is not
1222 substantially representative of estimated cost and utilization data for
1223 the fiscal year ending June 30, 2000, due to special circumstances
1224 during the 1998 cost report period including change of ownership with
1225 a part year cost filing or reductions in facility capacity due to facility
1226 renovation projects. Upon completion of the calculation of the
1227 allocation of wage, benefit and staffing enhancement funding, the
1228 commissioner shall not adjust the allocations due to revisions
1229 submitted to previously filed 1998 annual cost reports. In the event
1230 that a facility's rate for the fiscal year ending June 30, 1999, is an
1231 interim rate or the rate includes an increase adjustment due to a rate

1232 request to the commissioner or other reasons, the commissioner may
1233 reduce or withhold the per diem wage, benefit and staffing
1234 enhancement allocation computed for the facility. Any enhancement
1235 allocations not applied to facility rates shall not be reallocated to other
1236 facilities and such unallocated amounts shall be available for the costs
1237 associated with interim rates and other Medicaid expenditures. The
1238 wage, benefit and staffing enhancement per diem adjustment for the
1239 period from April 1, 1999, to June 30, 1999, inclusive, shall also be
1240 applied to rates for the fiscal years ending June 30, 2000, and June 30,
1241 2001, except that the commissioner may increase or decrease the
1242 adjustment to account for changes in facility capacity or operations.
1243 Any facility accepting a rate adjustment for wage, benefit and staffing
1244 enhancements shall apply payments made as a result of such rate
1245 adjustment for increased allowable employee wage rates and benefits
1246 and additional direct and indirect component staffing. Adjustment
1247 funding shall not be applied to wage and salary increases provided to
1248 the administrator, assistant administrator, owners or related party
1249 employees. Enhancement payments may be applied to increases in
1250 costs associated with staffing purchased from staffing agencies
1251 provided such costs are deemed necessary and reasonable by the
1252 commissioner. The commissioner shall compare expenditures for
1253 wages, benefits and staffing for the 1998 cost report period to such
1254 expenditures in the 1999, 2000 and 2001 cost report periods to verify
1255 whether a facility has applied additional payments to specified
1256 enhancements. In the event that the commissioner determines that a
1257 facility did not apply additional payments to specified enhancements,
1258 the commissioner shall recover such amounts from the facility through
1259 rate adjustments or other means. The commissioner may require
1260 facilities to file cost reporting forms, in addition to the annual cost
1261 report, as may be necessary, to verify the appropriate application of
1262 wage, benefit and staffing enhancement rate adjustment payments. For
1263 the purposes of this subdivision, "Medicaid utilization" means the
1264 number of days of care paid for by Medicaid on an annual basis
1265 including days for reserved beds as a percentage of total resident days.

1266 Sec. 33. Section 18-100e of the general statutes is repealed and the
1267 following is substituted in lieu thereof (*Effective October 1, 2002*):

1268 (a) Not later than October 1, 1998, the Commissioner of Correction
1269 shall establish a pilot zero-tolerance drug supervision program.
1270 Eligibility for participation in the program shall be limited to
1271 individuals who are eligible for participation in a community release
1272 program pursuant to section 18-100c and shall be based upon criteria,
1273 including a limit on the maximum number of eligible participants,
1274 established by the Commissioner of Correction.

1275 (b) Any person entering such program shall, as a condition of
1276 participating in such program, agree to: (1) Submit to periodic
1277 urinalysis drug tests, (2) detention in a halfway house facility for a
1278 period of two days each time such test produces a positive result, and
1279 (3) comply with all rules established by the halfway house if detained
1280 in such facility.

1281 (c) Participants in the zero-tolerance drug supervision program shall
1282 submit to periodic urinalysis drug tests. If the test produces a positive
1283 result, the participant may be detained in a halfway house facility for a
1284 period of two days.

1285 (d) Any person who has submitted to a urinalysis drug test
1286 pursuant to subsection (c) of this section that produced a positive
1287 result may request that a second urinalysis drug test be administered,
1288 at such person's expense, to confirm the results of the first test, except
1289 that if the participant is determined to be indigent, based upon
1290 financial affidavits, the Department of Correction shall pay the cost of
1291 the test. The second drug test shall be a urinalysis drug test, separate
1292 and independent of the initial test. The participant may be detained in
1293 a halfway house pending the results of the second test. If such second
1294 test does not produce a positive result, the participant, if detained in a
1295 halfway house, shall be released from such halfway house and the fee,
1296 if paid by the participant, shall be refunded to the participant.

1297 (e) If at any time during participation in the zero-tolerance drug

1298 supervision program, the Commissioner of Correction determines that
1299 the conduct of the participant is unsuitable for continuation in such
1300 program, such participant may be returned to a correctional facility.

1301 [(f) Not later than January 1, 2000, the chairman of the Board of
1302 Parole, the Commissioner of Correction and the Chief Court
1303 Administrator shall submit a report on the pilot zero-tolerance drug
1304 supervision program to the joint standing committee of the General
1305 Assembly having cognizance of matters relating to criminal justice.]

1306 Sec. 34. Subsection (a) of section 19a-638 of the general statutes is
1307 repealed and the following is substituted in lieu thereof (*Effective*
1308 *October 1, 2002*):

1309 (a) Except as provided in sections 19a-639a to [19a-639d] 19a-639c,
1310 inclusive:

1311 (1) Each health care facility or institution, that intends to (A) transfer
1312 all or part of its ownership or control, (B) change the governing powers
1313 of the board of a parent company or an affiliate, whatever its
1314 designation, or (C) change or transfer the powers or control of a
1315 governing or controlling body of an affiliate, shall submit to the office,
1316 prior to the proposed date of such transfer or change, a request for
1317 permission to undertake such transfer or change.

1318 (2) Each health care facility or institution or state health care facility
1319 or institution, including any inpatient rehabilitation facility, which
1320 intends to introduce any additional function or service into its
1321 program of health care shall submit to the office, prior to the proposed
1322 date of the institution of such function or service, a request for
1323 permission to undertake such function or service.

1324 (3) Each health care facility or institution or state health care facility
1325 or institution which intends to terminate a health service offered by
1326 such facility or institution or decrease substantially its total bed
1327 capacity, shall submit to the office, prior to the proposed date of such
1328 termination or decrease, a request to undertake such termination or

1329 decrease.

1330 (4) Each applicant, prior to submitting a certificate of need
1331 application under this section, section 19a-639, as amended by this act,
1332 or under both sections, shall submit a request, in writing, for
1333 application forms and instructions to the office. The request shall be
1334 known as a letter of intent. A letter of intent shall include: (A) The
1335 name of the applicant or applicants; (B) a statement indicating whether
1336 the application is for a new, replacement or additional facility, service
1337 or function, the expansion or relocation of an existing facility, service
1338 or function, a change in ownership or control, a termination of a
1339 service or a reduction in licensed bed capacity and the bed type, any
1340 new or additional beds and their type, a capital expenditure over one
1341 million dollars, the acquisition of major medical equipment, imaging
1342 equipment or a linear accelerator costing over four hundred thousand
1343 dollars, or any combination thereof; (C) the estimated capital cost,
1344 value or expenditure; (D) the town where the project is or will be
1345 located; and (E) a brief description of the proposed project. No
1346 certificate of need application will be considered submitted to the
1347 office unless a current letter of intent, specific to the proposal and in
1348 compliance with this subsection, has been on file with the office at least
1349 sixty days. A current letter of intent is a letter of intent which has been
1350 on file at the office up to and including one hundred twenty days,
1351 except that an applicant may request a one-time extension of a letter of
1352 intent of up to an additional thirty days for a maximum total of up to
1353 one hundred fifty days if, prior to the expiration of the current letter of
1354 intent, the office receives a written request to so extend the letter of
1355 intent's current status. The extension request shall fully explain why an
1356 extension is requested. The office shall accept or reject the extension
1357 request within five business days and shall so notify the applicant.

1358 Sec. 35. Subsection (a) of section 19a-639 of the general statutes is
1359 repealed and the following is substituted in lieu thereof (*Effective*
1360 *October 1, 2002*):

1361 (a) Except as provided in sections 19a-639a to [19a-639d] 19a-639c,

1362 inclusive, each health care facility or institution, including, but not
1363 limited to, any inpatient rehabilitation facility, any health care facility
1364 or institution or any state health care facility or institution proposing a
1365 capital expenditure exceeding one million dollars, or the acquisition of
1366 major medical equipment requiring a capital expenditure, as defined
1367 in regulations adopted pursuant to section 19a-643, in excess of four
1368 hundred thousand dollars, including the leasing or donation of
1369 equipment or a facility, shall submit a request for approval of such
1370 expenditure to the office, with such data, information and plans as the
1371 office requires in advance of the proposed initiation date of such
1372 project.

1373 Sec. 36. Section 19a-655 of the general statutes is repealed and the
1374 following is substituted in lieu thereof (*Effective October 1, 2002*):

1375 Notwithstanding the provisions of sections 19a-167a to 19a-167d,
1376 inclusive, for the fiscal year commencing October 1, 1993, all hospitals
1377 shall have their budgets calculated and authorized pursuant to the
1378 following method:

1379 (1) The authorized net revenue and expenses per equivalent
1380 discharge prior to compliance shall be the authorized net revenue and
1381 expenses per equivalent discharge prior to compliance for the year
1382 commencing October 1, 1992, adjusted for nonrecurring items and
1383 unbundling of services, increased by three and one-fourth per cent,
1384 plus any adjustment for certificate of need projects authorized by the
1385 office pursuant to [sections 19a-638 and 19a-657,] section 19a-638, as
1386 amended by this act, or section 19a-639, as amended by this act, or
1387 both.

1388 (2) The authorized gross revenue per equivalent discharge prior to
1389 compliance shall be the authorized gross revenue per equivalent
1390 discharge prior to compliance for the year commencing October 1,
1391 1992, adjusted for nonrecurring items and unbundling of services,
1392 increased by four and one-fourth per cent, plus any adjustment for
1393 certificate of need projects authorized by the office pursuant to

1394 [sections 19a-638 and 19a-657,] section 19a-638, as amended by this act,
1395 or section 19a-639, as amended by this act, or both.

1396 (3) The authorized number of equivalent discharges for the fiscal
1397 year commencing October 1, 1993, shall be the number of equivalent
1398 discharges authorized by the office for the fiscal year commencing
1399 October 1, 1992, plus any additional equivalent discharges authorized
1400 by the office as a result of authorized certificate of need projects
1401 authorized by the office pursuant to [sections] section 19a-638 [and
1402 19a-657,] or section 19a-639, or both.

1403 (4) The authorized net revenue prior to compliance and the
1404 uncompensated care pool adjustments shall be the product of the
1405 result of subdivision (1) of this section times the result of subdivision
1406 (3) of this section.

1407 (5) The authorized gross revenue prior to compliance and
1408 uncompensated care pool adjustments shall be the product of the
1409 result of subdivision (2) of this section times subdivision (3) of this
1410 section.

1411 (6) The revenue caps established in this section shall not be
1412 increased except as provided in accordance with the provisions of
1413 sections [19a-657, 19a-658, 19a-660, 19a-663, 19a-664 and 19a-665] 19a-
1414 660 and 19a-663.

1415 Sec. 37. Section 19a-667 of the general statutes is repealed and the
1416 following is substituted in lieu thereof (*Effective October 1, 2002*):

1417 (a) Notwithstanding the provisions of sections 19a-168 to 19a-168f,
1418 inclusive, the uncompensated care pool shall terminate effective 12:00
1419 a.m., April 1, 1994. The termination of the uncompensated care pool
1420 shall not impair or affect any act done, offense committed or right
1421 accruing, accrued or acquired, or any obligation, liability, penalty,
1422 forfeiture or punishment incurred prior to April 1, 1994, under chapter
1423 368c of the general statutes, revision of 1958, revised to 1993, as
1424 amended, and the same may be enjoyed, asserted and enforced, as

1425 fully and to the same extent and in the same manner as they might
1426 under the laws existing prior to said date, and all matters civil or
1427 criminal pending on said date or instituted thereafter for any act done,
1428 offense committed, right accruing, accrued, or acquired, or obligation,
1429 liability, penalty, forfeiture, or punishment incurred prior to said date
1430 may be continued or instituted under and in accordance with the
1431 provisions of the law in force at the time of the commission of said act
1432 done, offense committed, right accruing, accrued, or acquired, or
1433 obligation, liability, penalty, forfeiture or punishment incurred.

1434 [(b) On April 1, 1994, the Treasurer shall transfer ten million dollars
1435 of the funds in said pool representing the proceeds of the sale of bonds
1436 issued pursuant to section 19a-663 for the purpose of providing initial
1437 funding for said pool into a separate account of the General Fund to be
1438 used to pay debt service on any tax exempt state of Connecticut
1439 general obligation bond and shall transfer all remaining funds and
1440 assets of said pool to the resources of the General Fund. During the
1441 period April 1, 1994, to April 12, 1994, inclusive, revenues received and
1442 payments made from said pool, shall be made in accordance with the
1443 provisions of section 19a-168b.]

1444 [(c)] (b) (1) Final settlement of all obligations and liabilities of the
1445 uncompensated care pool shall be no later than June 15, 1995. All
1446 uncompensated care pool assessments and other liabilities of hospitals
1447 for the period ending March 31, 1994, based on the assessable accounts
1448 receivable as of March 31, 1994, shall be paid and all uncompensated
1449 care pool payments to hospitals attributable to the period ending
1450 March 31, 1994, shall be made no later than June 15, 1995. The amount,
1451 if any, by which assessments and other liabilities exceed payments
1452 shall be credited to the resources of the General Fund. (2) Following
1453 the final resolution of an action pending in the United States district
1454 court for the district of Connecticut entitled New England Health Care
1455 Union, District 1199, SEIU, AFL-CIO; et al v. Mt. Sinai Hospital et al,
1456 No. 92-CU-1012, any additional amounts owed to the state from
1457 hospitals as a result of payments that the hospitals are entitled to
1458 receive for patient care services following the resolution of such action

1459 shall be due and payable to the state no later than one month following
1460 receipt of such payments by the hospital. Such amount shall be
1461 deposited into the General Fund and credited to the reconciliation
1462 account established pursuant to section 19a-683.

1463 Sec. 38. Section 19a-668 of the general statutes is repealed and the
1464 following is substituted in lieu thereof (*Effective October 1, 2002*):

1465 Notwithstanding section 19a-667, the Office of Health Care Access
1466 may maintain or enter into any contract or contracts with one or more
1467 private entities within available appropriations to deactivate, audit or
1468 consult on any rights, duties or obligations owed to the
1469 uncompensated care pool prior to April 1, 1994, to assist the
1470 Department of Social Services and to assist in the administration of
1471 sections 3-114i and 12-263a to 12-263e, inclusive, subdivisions (2) and
1472 (29) of section 12-407, as amended, subsection (1) of section 12-408, as
1473 amended, section 12-408a, subdivision (5) of section 12-412, subsection
1474 (1) of section 12-414, and sections 19a-646, 19a-659 to 19a-662,
1475 inclusive, and [19a-666] 19a-667 to 19a-680, inclusive, as amended, on
1476 or after April 1, 1994.

1477 Sec. 39. Section 19a-669 of the general statutes is repealed and the
1478 following is substituted in lieu thereof (*Effective October 1, 2002*):

1479 Effective October 1, 1993, and October first of each subsequent year,
1480 the Secretary of the Office of Policy and Management shall determine
1481 and inform the Office of Health Care Access of the maximum amount
1482 of disproportionate share payments and emergency assistance to
1483 families eligible for federal matching payments under the Medical
1484 Assistance Program or the Emergency Assistance to Families Program
1485 pursuant to federal statute and regulations and subdivisions (2) and
1486 (28) of section 12-407, as amended, subsection (1) of section 12-408, as
1487 amended, subdivision (5) of section 12-412, section 12-414, sections
1488 19a-649, 19a-660 and 19a-661 and this section and the actual and
1489 anticipated appropriation to the medical assistance disproportionate
1490 share-emergency assistance account authorized pursuant to sections 3-

1491 114i and 12-263a to 12-263e, inclusive, subdivisions (2) and (29) of
1492 section 12-407, as amended, subsection (1) of section 12-408, as
1493 amended, section 12-408a, subdivision (5) of section 12-412, subsection
1494 (1) of section 12-414 and sections 19a-646, 19a-659 to 19a-662, inclusive,
1495 and [19a-666] 19a-667 to 19a-680, inclusive, as amended, and the
1496 amount of emergency assistance to families' payments to hospitals
1497 projected for the year, and the anticipated amount of any increase in
1498 payments made pursuant to any resolution of any civil action pending
1499 on April 1, 1994, in the United States district court for the district of
1500 Connecticut. The Department of Social Services shall inform the office
1501 of any amount of uncompensated care which the Department of Social
1502 Services determines is due to a failure on the part of the hospital to
1503 register patients for emergency assistance to families, or a failure to bill
1504 properly for emergency assistance to families' patients. If during the
1505 course of a fiscal year the Secretary of the Office of Policy and
1506 Management determines that these amounts should be revised, [he]
1507 said secretary shall so notify the office and the office may modify its
1508 calculation pursuant to section 19a-671 to reflect such revision and its
1509 orders in accordance with section 19a-660, as it deems appropriate and
1510 the Commissioner of Social Services may modify [his] said
1511 commissioner's determination pursuant to section 19a-671.

1512 Sec. 40. Subsection (d) of section 19a-670 of the general statutes, as
1513 amended by section 3 of public act 01-3 of the June special session, is
1514 repealed and the following is substituted in lieu thereof (*Effective*
1515 *October 1, 2002*):

1516 (d) Nothing in section 3-114i, subdivisions (2) or (29) of section
1517 12-407, as amended, subsection (1) of section 12-408, as amended,
1518 section 12-408a, subdivision (5) of section 12-412, subsection (1) of
1519 section 12-414, sections 12-263a to 12-263e, inclusive, sections 19a-646,
1520 19a-659 to 19a-662 or [19a-666] 19a-667 to 19a-680, inclusive, as
1521 amended, or sections 1, 2, or 38 of public act 94-9* shall be construed to
1522 require the Department of Social Services to pay out more funds than
1523 are appropriated pursuant to said sections.

1524 Sec. 41. Section 19a-670b of the general statutes, as amended by
1525 section 67 of public act 01-2 of the June special session and section 130
1526 of public act 01-9 of the June special session, is repealed and the
1527 following is substituted in lieu thereof (*Effective October 1, 2002*):

1528 Nothing in section 12-263a, subsection (28) of section 12-407, section
1529 19a-670, as amended, or 19a-670a [or 19a-676a] shall be construed as
1530 relieving any children's general hospital from any prior year's
1531 disproportionate share settlements or adjustments.

1532 Sec. 42. Section 19a-671 of the general statutes is repealed and the
1533 following is substituted in lieu thereof (*Effective October 1, 2002*):

1534 The Commissioner of Social Services is authorized to determine the
1535 amount of payments pursuant to sections 19a-670 to 19a-672, inclusive,
1536 as amended, for each hospital. The commissioner's determination shall
1537 be based on the advice of the office and the application of the
1538 calculation in this section. For each hospital the Office of Health Care
1539 Access shall calculate the amount of payments to be made pursuant to
1540 sections 19a-670 to 19a-672, inclusive, as amended, as follows:

1541 (1) For the period April 1, 1994, to June 30, 1994, inclusive, and for
1542 the period July 1, 1994, to September 30, 1994, inclusive, the office shall
1543 calculate and advise the Commissioner of Social Services of the
1544 amount of payments to be made to each hospital as follows:

1545 (A) Determine the amount of pool payments for the hospital,
1546 including grants approved pursuant to section 19a-168k, in the
1547 previously authorized budget authorization for the fiscal year
1548 commencing October 1, 1993.

1549 (B) Calculate the sum of the result of subparagraph (A) of this
1550 subdivision for all hospitals.

1551 (C) Divide the result of subparagraph (A) of this subdivision by the
1552 result of subparagraph (B) of this subdivision.

1553 (D) From the anticipated appropriation to the medical assistance

1554 disproportionate share-emergency assistance account made pursuant
1555 to sections 3-114i and 12-263a to 12-263e, inclusive, subdivisions (2)
1556 and (29) of section 12-407, as amended, subsection (1) of section 12-408,
1557 as amended, section 12-408a, subdivision (5) of section 12-412,
1558 subsection (1) of section 12-414 and sections 19a-646, 19a-659 to 19a-
1559 662, inclusive, and [19a-666] 19a-667 to 19a-680, inclusive, as amended,
1560 for the quarter subtract the amount of any additional medical
1561 assistance payments made to hospitals pursuant to any resolution of or
1562 court order entered in any civil action pending on April 1, 1994, in the
1563 United States District Court for the district of Connecticut, and also
1564 subtract the amount of any emergency assistance to families payments
1565 projected by the office to be made to hospitals in the quarter.

1566 (E) The disproportionate share payment shall be the result of
1567 subparagraph (D) of this subdivision multiplied by the result of
1568 subparagraph (C) of this subdivision.

1569 (2) For the fiscal year commencing October 1, 1994, and subsequent
1570 fiscal years, the interim payment shall be calculated as follows for each
1571 hospital:

1572 (A) For each hospital determine the amount of the medical
1573 assistance underpayment determined pursuant to section 19a-659, plus
1574 the actual amount of uncompensated care including emergency
1575 assistance to families determined pursuant to section 19a-659, less any
1576 amount of uncompensated care determined by the Department of
1577 Social Services to be due to a failure of the hospital to enroll patients
1578 for emergency assistance to families, plus the amount of any grants
1579 authorized pursuant to the authority of section 19a-168k.

1580 (B) Calculate the sum of the result of subparagraph (A) of this
1581 subdivision for all hospitals.

1582 (C) Divide the result of subparagraph (A) of this subdivision by the
1583 result of subparagraph (B) of this subdivision.

1584 (D) From the anticipated appropriation made to the medical

1585 assistance disproportionate share-emergency assistance account
1586 pursuant to sections 3-114i and 12-263a to 12-263e, inclusive,
1587 subdivisions (2) and (29) of section 12-407, as amended, subsection (1)
1588 of section 12-408, as amended, section 12-408a, subdivision (5) of
1589 section 12-412, subsection (1) of section 12-414 and sections 19a-646,
1590 19a-659 to 19a-662, inclusive, and [19a-666] 19a-667 to 19a-680,
1591 inclusive, as amended, for the fiscal year, subtract the amount of any
1592 additional medical assistance payments made to hospitals pursuant to
1593 any resolution of or court order entered in any civil action pending on
1594 April 1, 1994, in the United States District Court for the district of
1595 Connecticut, and also subtract any emergency assistance to families
1596 payments projected by the office to be made to the hospitals for the
1597 year.

1598 (E) The disproportionate share payment shall be the result of
1599 subparagraph (D) of this subdivision multiplied by the result of
1600 subparagraph (C) of this subdivision.

1601 Sec. 43. Section 19a-672 of the general statutes is repealed and the
1602 following is substituted in lieu thereof (*Effective October 1, 2002*):

1603 The funds appropriated to the medical assistance disproportionate
1604 share-emergency assistance account pursuant to sections 3-114i and 12-
1605 263a to 12-263e, inclusive, subdivisions (2) and (29) of section 12-407,
1606 as amended, subsection (1) of section 12-408, as amended, section 12-
1607 408a, subdivision (5) of section 12-412, subsection (1) of section 12-414
1608 and sections 19a-646, 19a-659 to 19a-662, inclusive, and [19a-666] 19a-
1609 667 to 19a-680, inclusive, as amended, shall be used by said account to
1610 make disproportionate share payments to hospitals, including grants
1611 to hospitals pursuant to section 19a-168k, and to make emergency
1612 assistance to families payments to hospitals. In addition, the medical
1613 assistance disproportionate share-emergency assistance account may
1614 utilize a portion of these funds to make outpatient payments as the
1615 Department of Social Services determines appropriate or to increase
1616 the standard medical assistance payments to hospitals if the
1617 Department of Social Services determines it to be appropriate to settle

1618 any civil action pending on April 1, 1994, in the United States District
1619 Court for the district of Connecticut. Notwithstanding any other
1620 provision of the general statutes, the Department of Social Services
1621 shall not be required to make any payments pursuant to sections 3-114i
1622 and 12-263a to 12-263e, inclusive, subdivisions (2) and (29) of section
1623 12-407, as amended, subsection (1) of section 12-408, as amended,
1624 section 12-408a, subdivision (5) of section 12-412, subsection (1) of
1625 section 12-414 and sections 19a-646, 19a-659 to 19a-662, inclusive, and
1626 [19a-666] 19a-667 to 19a-680, inclusive, as amended, in excess of the
1627 funds available in the medical assistance disproportionate share-
1628 emergency assistance account.

1629 Sec. 44. Section 19a-683 of the general statutes is repealed and the
1630 following is substituted in lieu thereof (*Effective October 1, 2002*):

1631 There is established a reconciliation account which shall be a
1632 separate, nonlapsing account within the General Fund. Any moneys
1633 received pursuant to subdivision (2) of subsection [(c)] (b) of section
1634 19a-667, as amended by this act, shall be deposited by the
1635 Commissioner of Social Services into the account.

1636 Sec. 45. Section 20-74bb of the general statutes is repealed and the
1637 following is substituted in lieu thereof (*Effective October 1, 2002*):

1638 (a) No person shall operate a medical x-ray system unless [he] such
1639 person has obtained a license as a radiographer from the department
1640 pursuant to this section. Each person seeking licensure as a
1641 radiographer shall make application on forms prescribed by the
1642 department, pay an application fee of one hundred dollars and present
1643 to the department satisfactory evidence that [he] such person (1) has
1644 completed a course of study in radiologic technology in a program
1645 accredited by the Committee on Allied Health Education and
1646 Accreditation of the American Medical Association or its successor
1647 organization, or a course of study deemed equivalent to such
1648 accredited program by the American Registry of Radiologic
1649 Technologists, and (2) has passed an examination prescribed by the

1650 department and administered by the American Registry of Radiologic
1651 Technologists.

1652 [(b) From October 1, 1993, until January 1, 1995, a person seeking
1653 licensure pursuant to this section may present to the department
1654 satisfactory evidence that he has, from October 1, 1989, until October 1,
1655 1994, practiced as a radiographer for at least thirty-six months,
1656 provided that any license issued pursuant to this subsection shall
1657 become void on October 1, 1997, unless the person has, on or before
1658 that date, presented to the department satisfactory evidence that he
1659 has met the requirement of subdivision (2) of subsection (a) of this
1660 section. Any person who (1) has taken and passed an examination by
1661 the American Registry of Radiologic Technologists, the American
1662 Registry of Clinical Radiology Technologists or other similar nationally
1663 recognized examination and is registered with such registry, (2) has
1664 been engaged in the practice of radiography for not less than twenty
1665 years, and (3) has not been the subject of any investigation or
1666 complaint by the Department of Public Health or similar agency, shall
1667 be deemed to have met the requirements of subdivisions (1) and (2) of
1668 subsection (a) of this section.]

1669 [(c)] (b) A radiographer licensed pursuant to subsection (c) of
1670 section 19a-14 and sections 20-74aa to 20-74cc, inclusive, and 20-74ee
1671 may operate a medical x-ray system under the supervision and upon
1672 the written order of a physician licensed pursuant to chapter 370, a
1673 chiropractor licensed pursuant to chapter 372, a natureopath licensed
1674 pursuant to chapter 373, a podiatrist licensed pursuant to chapter 375,
1675 a dentist licensed pursuant to chapter 379 or a veterinarian licensed
1676 pursuant to chapter 384.

1677 [(d)] (c) Licenses shall be renewed annually in accordance with the
1678 provisions of section 19a-88, as amended. The fee for renewal shall be
1679 fifty dollars.

1680 [(e)] (d) No license shall be issued under this section to any
1681 applicant against whom professional disciplinary action is pending or

1682 who is the subject of an unresolved complaint in this or any other state
1683 or territory.

1684 [(f)] (e) No person shall use the title "radiographer" unless [he] such
1685 person holds a license issued in accordance with this section.

1686 [(g)] (f) Notwithstanding the provisions of subsection (a) of this
1687 section, a graduate of a course of study approved pursuant to
1688 subdivision (1) of said subsection may operate a medical x-ray system
1689 pending the results of the first examination for licensure scheduled
1690 following his or her graduation, provided such graduate is working in
1691 a hospital or similar organization where adequate supervision is
1692 provided.

1693 [(h)] (g) Notwithstanding the requirements of this section, the
1694 commissioner shall grant a license to any person who submits
1695 satisfactory evidence that [he] such person has a degree in radiography
1696 or identical field of study under a different designation from an
1697 institution of higher education authorized to grant degrees by the state
1698 or country where located, has a minimum of ten years experience in
1699 the field of radiography, has a temporary license from the Department
1700 of Public Health and applies for licensure prior to January 1, 1998.

1701 Sec. 46. Section 20-195c of the general statutes is repealed and the
1702 following is substituted in lieu thereof (*Effective October 1, 2002*):

1703 (a) Each applicant for licensure as a marital and family therapist
1704 shall present to the department satisfactory evidence that such
1705 applicant has: (1) Completed a graduate degree program specializing
1706 in marital and family therapy from a regionally accredited college or
1707 university or an accredited postgraduate clinical training program
1708 approved by the Commission on Accreditation for Marriage and
1709 Family Therapy Education and recognized by the United States
1710 Department of Education; (2) completed a minimum of twelve months
1711 of a supervised practicum or internship to be completed within a
1712 period not to exceed twenty-four consecutive months with emphasis in
1713 marital and family therapy supervised by the program granting the

1714 requisite degree or by an accredited postgraduate clinical training
1715 program, approved by the Commission on Accreditation for Marriage
1716 and Family Therapy Education recognized by the United States
1717 Department of Education in which the student received a minimum of
1718 five hundred direct clinical hours that included one hundred hours of
1719 clinical supervision; (3) completed a minimum of twelve months of
1720 relevant postgraduate experience, including at least (A) one thousand
1721 hours of direct client contact offering marital and family therapy
1722 services subsequent to being awarded a master's degree or doctorate or
1723 subsequent to the training year specified in subdivision (2) of this
1724 subsection, and (B) one hundred hours of postgraduate clinical
1725 supervision provided by a licensed marital and family therapist who is
1726 not directly compensated by such applicant for providing such
1727 supervision; and (4) passed an examination prescribed by the
1728 department. The fee shall be two hundred fifty dollars for each initial
1729 application.

1730 (b) The department may grant licensure without examination,
1731 subject to payment of fees with respect to the initial application, to any
1732 applicant who is currently licensed or certified in another state as a
1733 marital or marriage and family therapist on the basis of standards
1734 which, in the opinion of the department, are substantially similar to or
1735 higher than those of this state. No license shall be issued under this
1736 section to any applicant against whom professional disciplinary action
1737 is pending or who is the subject of an unresolved complaint.

1738 [(c) Notwithstanding the requirements of this section, the
1739 commissioner shall, not later than February 6, 2000, grant a license as a
1740 marital and family therapist to any person who applies for licensure
1741 prior to January 1, 2000, and submits satisfactory evidence that the
1742 applicant has (1) a minimum of ten years of relevant experience as of
1743 January 1, 1998, including a minimum of five years work experience
1744 under an approved supervisor or approved substitute supervisor of
1745 the American Association for Marriage and Family Therapy or
1746 supervisor or substitute supervisor certified or licensed under this
1747 chapter, or (2) successfully completed, prior to January 1, 1985, either

1748 (A) a graduate degree program specializing in marital and family
1749 therapy or (B) an accredited postgraduate clinical training program
1750 approved by the Commission on Accreditation for Marriage and
1751 Family Therapy Education and recognized by the United States
1752 Department of Education.]

1753 [(d)] (c) Licenses issued under this section may be renewed annually
1754 in accordance with the provisions of section 19a-88, as amended. The
1755 fee for such renewal shall be two hundred fifty dollars. Each licensed
1756 marital and family therapist applying for license renewal shall furnish
1757 evidence satisfactory to the commissioner of having participated in
1758 continuing education programs. The commissioner shall adopt
1759 regulations, in accordance with chapter 54, to (1) define basic
1760 requirements for continuing education programs, (2) delineate
1761 qualifying programs, (3) establish a system of control and reporting,
1762 and (4) provide for waiver of the continuing education requirement for
1763 good cause.

1764 Sec. 47. Section 20-195dd of the general statutes, as amended by
1765 section 14 of public act 01-4 of the June special session, is repealed and
1766 the following is substituted in lieu thereof (*Effective October 1, 2002*):

1767 (a) Except as provided in subsections (b) and (c) of this section, an
1768 applicant for a license as a professional counselor shall submit
1769 evidence satisfactory to the Commissioner of Public Health of having:
1770 (1) Completed sixty graduate semester hours deemed to be in or
1771 related to the discipline of professional counseling by the National
1772 Board for Certified Counselors, or its successor organization, at a
1773 regionally accredited institution of higher education, which included
1774 the core and clinical curriculum of the Council for Accreditation of
1775 Counseling and Related Educational Programs and preparation in
1776 principles of etiology, diagnosis, treatment planning and prevention of
1777 mental and emotional disorders and dysfunctional behavior, and has
1778 earned, from a regionally accredited institution of higher education
1779 with a major deemed to be in the discipline of professional counseling
1780 by the National Board for Certified Counselors or its successor

1781 organization, either (A) a master's degree of at least forty-two graduate
1782 semester hours or a master's degree and a sixth-year degree, or (B) a
1783 doctoral degree; (2) acquired three thousand hours of postgraduate-
1784 degree-supervised experience in the practice of professional
1785 counseling, performed over a period of not less than one year, that
1786 included a minimum of one hundred hours of direct supervision by
1787 (A) a physician licensed pursuant to chapter 370 who has obtained
1788 certification in psychiatry from the American Board of Psychiatry and
1789 Neurology, (B) a psychologist licensed pursuant to chapter 383, (C) an
1790 advanced practice registered nurse licensed pursuant to chapter 378
1791 and certified as a clinical specialist in adult psychiatric and mental
1792 health nursing with the American Nurses Credentialing Center, (D) a
1793 marital and family therapist licensed pursuant to chapter 383a, (E) a
1794 clinical social worker licensed pursuant to chapter 383b, (F) a
1795 professional counselor licensed, or prior to October 1, 1998, eligible for
1796 licensure, pursuant to section 20-195cc, or (G) a physician certified in
1797 psychiatry by the American Board of Psychiatry and Neurology,
1798 psychologist, advanced practice registered nurse certified as a clinical
1799 specialist in adult psychiatric and mental health nursing with the
1800 American Nurses Credentialing Center, marital and family therapist,
1801 clinical social worker or professional counselor licensed or certified as
1802 such or as a person entitled to perform similar services, under a
1803 different designation, in another state or jurisdiction whose
1804 requirements for practicing in such capacity are substantially similar to
1805 or higher than those of this state; and (3) passed an examination
1806 prescribed by the commissioner.

1807 [(b) (1) Prior to July 1, 1999, an applicant for a license as a
1808 professional counselor may, in lieu of the requirements set forth in
1809 subsection (a) of this section, submit evidence satisfactory to the
1810 commissioner of having: (A) Earned a master's degree, sixth-year
1811 degree or doctoral degree from a regionally accredited institution of
1812 higher education with a major the National Board for Certified
1813 Counselors or its successor organization deems to be in the discipline
1814 of professional counseling; and (B) practiced professional counseling

1815 for a minimum of two years within a five-year period immediately
1816 preceding application.]

1817 [(2)] (b) Prior to December 30, 2001, an applicant for a license as a
1818 professional counselor may, in lieu of the requirements set forth in
1819 subsection (a) of this section, submit evidence satisfactory to the
1820 commissioner of having: (A) Earned at least a thirty-hour master's
1821 degree, sixth-year degree or doctoral degree from a regionally
1822 accredited institution of higher education with a major in social work,
1823 marriage and family therapy, counseling, psychology or forensic
1824 psychology; (B) practiced professional counseling for a minimum of
1825 two years within a five-year period immediately preceding
1826 application; and (C) passed an examination prescribed by the
1827 commissioner.

1828 (c) An applicant for licensure by endorsement shall present
1829 evidence satisfactory to the commissioner that the applicant is licensed
1830 or certified as a professional counselor, or as a person entitled to
1831 perform similar services under a different designation, in another state
1832 or jurisdiction whose requirements for practicing in such capacity are
1833 substantially similar to or higher than those of this state and that there
1834 are no disciplinary actions or unresolved complaints pending.

1835 Sec. 48. Section 20-195ff of the general statutes is repealed and the
1836 following is substituted in lieu thereof (*Effective October 1, 2002*):

1837 The Commissioner of Public Health may adopt regulations, in
1838 accordance with the provisions of chapter 54, to further the purposes
1839 of subdivision (18) of subsection (c) of section 19a-14, as amended,
1840 subsection (e) of section 19a-88, as amended, subdivision (15) of
1841 section 19a-175, subsection (b) of section 20-9, [subsection (c) of section
1842 20-195c,] sections 20-195aa to 20-195ff, inclusive, as amended, and
1843 sections 20-206jj to 20-206oo, inclusive.

1844 Sec. 49. Section 20-206n of the general statutes is repealed and the
1845 following is substituted in lieu thereof (*Effective October 1, 2002*):

1846 (a) The department may, upon receipt of an application and fee of
1847 one hundred fifty dollars, issue a certificate as a dietitian-nutritionist to
1848 any applicant who has presented to the commissioner satisfactory
1849 evidence that (1) [he] such applicant is certified as a registered dietitian
1850 by the Commission on Dietetic Registration, or (2) [he] such applicant
1851 has (A) successfully passed a written examination prescribed by the
1852 commissioner, and (B) received a master's degree or doctoral degree,
1853 from an institution of higher education accredited to grant such degree
1854 by a regional accrediting agency recognized by the United States
1855 Department of Education, with a major course of study which focused
1856 primarily on human nutrition or dietetics and which included a
1857 minimum of thirty graduate semester credits, twenty-one of which
1858 shall be in not fewer than five of the following content areas: (i)
1859 Human nutrition or nutrition in the life cycle, (ii) nutrition
1860 biochemistry, (iii) nutrition assessment, (iv) food composition or food
1861 science, (v) health education or nutrition counseling, (vi) nutrition in
1862 health and disease, and (vii) community nutrition or public health
1863 nutrition.

1864 [(b) Notwithstanding the provisions of subsection (a) of this section,
1865 the commissioner may, not later than January 1, 1996, issue a certificate
1866 without examination to any applicant residing in this state on October
1867 1, 1994, who offers proof to the satisfaction of the commissioner that he
1868 has (1) received a baccalaureate degree, from an institution of higher
1869 education accredited to grant such degree by a regional accrediting
1870 agency recognized by the United States Department of Education, with
1871 a major course of study which focused primarily on human nutrition
1872 or dietetics and which included a minimum of thirty semester credits
1873 in not fewer than five of the following content areas: (A) Human
1874 nutrition or nutrition in the life cycle, (B) nutrition biochemistry, (C)
1875 nutrition assessment, (D) food composition or food science, (E) health
1876 education or nutrition counseling, (F) nutrition in health and disease,
1877 and (G) community nutrition or public health nutrition, and (2) has
1878 completed not less than five thousand four hundred hours of clinical
1879 practicum or postgraduate work experience in dietetics or nutrition

1880 practice between July 1, 1980, and July 1, 1995.

1881 (c) Notwithstanding the provisions of subsection (a) of this section,
1882 the commissioner may, not later than January 1, 1996, issue a certificate
1883 without examination to any applicant residing in this state on October
1884 1, 1994, who offers proof to the satisfaction of the commissioner that he
1885 (1) has received a master's degree or doctoral degree, from an
1886 institution of higher education accredited to grant such degree by a
1887 regional accrediting agency recognized by the United States
1888 Department of Education, with a major course of study which focused
1889 primarily on human nutrition or dietetics and which included a
1890 minimum of thirty graduate semester credits, twenty-one of which
1891 shall be in not fewer than five of the following content areas: (A)
1892 Human nutrition or nutrition in the life cycle, (B) nutrition
1893 biochemistry, (C) nutrition assessment, (D) food composition or food
1894 science, (E) health education or nutrition counseling, (F) nutrition in
1895 health and disease, and (G) community nutrition or public health
1896 nutrition, and (2) has completed not less than one hundred hours of
1897 clinical practicum or postgraduate work experience in dietetics or
1898 nutrition practice between July 1, 1985, and July 1, 1995.]

1899 [(d)] (b) No certificate shall be issued under this section to any
1900 applicant against whom a professional disciplinary action is pending
1901 or who is the subject of an unresolved complaint.

1902 Sec. 50. Section 20-361 of the general statutes is repealed and the
1903 following is substituted in lieu thereof (*Effective October 1, 2002*):

1904 [(a)] Except as provided in [subsection (b) of this section and]
1905 section 20-365, no person shall be licensed as a sanitarian who does not
1906 prove to the satisfaction of the commissioner that [he] such person
1907 holds a degree from an accredited college or university following four
1908 years of study and has two years of full-time experience, or the
1909 equivalent, in the field of environmental health acceptable to the
1910 commissioner. An applicant who successfully completes a special
1911 training course in environmental health approved by the

1912 commissioner may substitute such course for six months of such
1913 required experience in the field of environmental health. The applicant
1914 shall also be required to pass a written or oral examination in the
1915 science of environmental health as determined by the commissioner.
1916 An applicant for licensure shall not be required to be licensed while
1917 completing the work experience requirements of this section,
1918 provided, on and after January 1, 1998, such experience shall be
1919 completed under the supervision of a sanitarian licensed pursuant to
1920 this chapter or licensed, certified or registered in the jurisdiction in
1921 which such experience was completed.

1922 [(b) For any person applying for licensure as a sanitarian on or
1923 before October 1, 1997, a minimum of four years of combined training
1924 and work experience in the field of environmental health within a
1925 Connecticut municipal or district health department, the Department
1926 of Public Health or the armed forces, as defined in section 27-103, may
1927 be substituted for the degree from an accredited college or university
1928 specified in subsection (a) of this section.]

1929 Sec. 51. Section 20-475 of the general statutes is repealed and the
1930 following is substituted in lieu thereof (*Effective October 1, 2002*):

1931 [(a)] On and after the effective date of regulations adopted pursuant
1932 to section 20-478, no entity shall hold itself out as a lead abatement
1933 contractor or lead consultant contractor, or to principally engage in
1934 such work in this state without a license issued by the Commissioner
1935 of Public Health. Applications for such license shall be made to the
1936 department on forms provided by it, and shall be accompanied by a
1937 fee of five hundred dollars, and shall contain such information
1938 regarding the applicant's qualifications as the department may require
1939 in regulations adopted pursuant to said section 20-478 including, but
1940 not limited to, demonstrating that all employees of any applicant who
1941 require certification pursuant to subsections (e) and (f) of section 19a-
1942 88, as amended, and sections 20-474 to 20-482, inclusive, are certified
1943 by the department. The department shall review the technical,
1944 equipment and personnel resources of each applicant. No person shall

1945 be issued a license to act as a lead abatement contractor or lead
1946 consultant contractor unless [he] such person obtains such approval.
1947 The commissioner may issue a license under this section to any person
1948 who is licensed in another state under a law which provides standards
1949 which are equal to or higher than those of Connecticut and is not
1950 subject to any unresolved complaints or pending disciplinary actions.
1951 Licenses issued pursuant to this section shall be renewed annually in
1952 accordance with the provisions of section 19a-88 upon payment of a
1953 fee of five hundred dollars.

1954 [(b) The commissioner shall issue a temporary license as a lead
1955 abatement contractor or lead consultant contractor to any contractor
1956 who, as of July 1, 1994, is performing such work, which license shall be
1957 valid for a period of one year from said date and which shall expire no
1958 later than June 30, 1995. During the period such temporary license is in
1959 effect, the contractor shall make application to the department for
1960 licensure pursuant to subsection (a) of this section. If an application is
1961 pending for licensure pursuant to said subsection (a), the temporary
1962 license may be renewed for an additional six-month period. No
1963 temporary license shall be issued to any applicant against whom
1964 disciplinary action is pending or who is the subject of unresolved
1965 complaint under chapter 393c or 400. The fee for a temporary license
1966 and renewal shall be the same as those provided in said subsection
1967 (a).]

1968 Sec. 52. Section 20-476 of the general statutes is repealed and the
1969 following is substituted in lieu thereof (*Effective October 1, 2002*):

1970 [(a)] On and after the effective date of regulations adopted pursuant
1971 to section 20-478, no person shall hold himself out as a lead consultant,
1972 lead abatement supervisor or a lead abatement worker as defined in
1973 regulations adopted pursuant to section 20-478, in this state without a
1974 certificate issued by the Commissioner of Public Health. Applications
1975 for such certificate shall be made to the department on forms provided
1976 by it and shall be accompanied by a fee of twenty-five dollars, and
1977 shall contain such information regarding the applicant's qualifications

1978 as the department may require in regulations adopted pursuant to said
1979 section 20-478. No person shall be issued a certificate to act as a lead
1980 consultant, lead abatement supervisor or lead abatement worker
1981 unless [he] such person obtains such approval. The commissioner may
1982 issue a certificate under this section to any person who is licensed or
1983 certified in another state under a law which provides standards which
1984 are equal to or higher than those of Connecticut and is not subject to
1985 any unresolved complaints or pending disciplinary actions.
1986 Certificates issued pursuant to this section shall be renewed annually
1987 in accordance with the provisions of section 19a-88, as amended, upon
1988 payment of a fee of twenty-five dollars.

1989 [(b) The commissioner shall issue a temporary certificate as a lead
1990 consultant, lead abatement supervisor or lead abatement worker to
1991 any person who, as of July 1, 1994, is performing such work, which
1992 certificate shall be valid for a period of one year from said date and
1993 which shall expire no later than June 30, 1995. During the period such
1994 temporary certificate is in effect, the lead consultant, lead abatement
1995 supervisor or lead abatement worker shall make application to the
1996 department for certification pursuant to subsection (a) of this section. If
1997 an application is pending for certification pursuant to said subsection
1998 (a), the temporary certificate may be renewed for an additional six-
1999 month period. The fee for a temporary license and renewal shall be the
2000 same as those provided in said subsection (a).]

2001 Sec. 53. Section 22a-46 of the general statutes is repealed and the
2002 following is substituted in lieu thereof (*Effective October 1, 2002*):

2003 This part, subsection (a) of section 23-61a [,] and sections 23-61b [to
2004 23-61d, inclusive,] and 23-61f, as amended by this act, may be cited as
2005 the "Connecticut Pesticide Control Act".

2006 Sec. 54. Section 22a-47 of the general statutes is repealed and the
2007 following is substituted in lieu thereof (*Effective October 1, 2002*):

2008 For purposes of this part, subsection (a) of section 23-61a [,] and
2009 sections 23-61b [to 23-61d, inclusive,] and 23-61f, as amended by this

2010 act:

2011 (a) "Active ingredient" means:

2012 (1) In the case of a pesticide other than a plant regulator, defoliant,
2013 or desiccant, an ingredient which will prevent, destroy, repel, or
2014 mitigate any pest;

2015 (2) In the case of a plant regulator, an ingredient which, through
2016 physiological action, will accelerate or retard the rate of growth or rate
2017 of maturation or otherwise alter the behavior of ornamental or crop
2018 plants or the product thereof;

2019 (3) In the case of a defoliant, an ingredient which will cause the
2020 leaves or foliage to drop from a plant; and

2021 (4) In the case of a desiccant, an ingredient which will artificially
2022 accelerate the drying of plant tissue;

2023 (b) "Adulterated" applies to any pesticide if:

2024 (1) Its strength or purity falls below the professed standard of
2025 quality as expressed on its labeling under which it is sold;

2026 (2) Any substance has been substituted wholly or in part for the
2027 pesticide; or

2028 (3) Any valuable constituent of the pesticide has been wholly or in
2029 part abstracted;

2030 (c) "Animal" means all vertebrate and invertebrate species,
2031 including but not limited to man and other mammals, birds, fish, and
2032 shellfish;

2033 (d) "Certified applicator" means any individual who is certified
2034 under section 22a-54;

2035 (e) "Private applicator" means a certified applicator who uses or
2036 supervises the use of any pesticide, which is classified for restricted

2037 use for the purpose of producing any agricultural commodity, on
2038 property owned or rented by [him or his] the applicator or the
2039 applicator's employer or if applied without compensation other than
2040 trading of personal services between producers of agricultural
2041 commodities on the property of another person: A pesticide shall be
2042 construed to be applied under the direct supervision of a private
2043 applicator if it is applied by a competent person on property owned or
2044 rented by a private applicator acting under the instructions and control
2045 of a private applicator who is available if and when needed;

2046 (f) "Commercial applicator" means any individual, whether or not
2047 [he] such individual is a private applicator with respect to some uses,
2048 who uses or supervises the use of (1) any restricted use pesticides, or
2049 (2) any pesticide on property not owned or rented by [him or his] such
2050 individual or such individual's employer;

2051 (g) "Commissioner" means the Commissioner of Environmental
2052 Protection;

2053 (h) "Defoliant" means any substance or mixture of substances
2054 intended for causing the leaves or foliage to drop from a plant, with or
2055 without causing abscission;

2056 (i) "Desiccant" means any substance or mixture of substances
2057 intended for artificially accelerating the drying of plant tissue;

2058 (j) "Device" means any instrument or contrivance which uses
2059 pesticides and is intended for trapping, destroying, repelling, or
2060 mitigating any pest or any other form of plant or animal life; but not
2061 including equipment used for the application of pesticides when sold
2062 separately therefrom;

2063 (k) "Environment" includes the ecosystem of water, air, land, plants,
2064 man and other animals, and the interrelationships which exist among
2065 these;

2066 (l) "Imminent hazard" means a situation which exists when the

2067 continued use of a pesticide, during the time required for a
2068 cancellation proceeding as provided in section 22a-52, as amended by
2069 this act, would be likely to result in unreasonable adverse effects on
2070 the environment or will involve unreasonable hazard to the survival of
2071 a species declared endangered by the Secretary of the Interior pursuant
2072 to the provisions of 83 Stat. 275 (P.L. 91-135), as may be amended from
2073 time to time;

2074 (m) "Inert ingredient" means an ingredient which is not active;

2075 (n) "Ingredient statement" means a statement which contains the
2076 name and percentage of each active ingredient, and the total
2077 percentage of all inert ingredients, in the pesticide; and a statement of
2078 the percentages of total and water soluble arsenic, calculated as
2079 elementary arsenic, if any;

2080 (o) "Insect" means any of the numerous small invertebrate animals
2081 generally having the body more or less obviously segmented, for the
2082 most part belonging to the class insecta, comprising six-legged, usually
2083 winged forms, including, but not limited to, beetles, bugs, bees, flies,
2084 and to other allied classes of arthropods whose members are wingless
2085 and usually have more than six legs, including, but not limited to,
2086 spiders, mites, ticks, centipedes, and wood lice;

2087 (p) "Label" means the written, printed, or graphic matter on, or
2088 attached to, the pesticide or device or any of its containers or
2089 wrappers;

2090 (q) "Labeling" means all labels and all other written, printed or
2091 graphic matter, accompanying the pesticide or device or to which
2092 reference is made on the label or in literature accompanying the
2093 pesticide or device;

2094 (r) A pesticide is misbranded if:

2095 (1) Its labeling bears any statement, design, or graphic
2096 representation relative thereto or to its ingredients which is false or

2097 misleading in any particular;

2098 (2) It is contained in a package or other container or wrapping
2099 which does not conform to the standards established by 86 Stat. 979
2100 (P.L. 92-516), as may be amended from time to time;

2101 (3) It is an imitation of, or is offered for sale under the name of
2102 another pesticide;

2103 (s) "Microorganism" means any microscopic organism including but
2104 not limited to alga, bacterium, fungus, and virus except those on or in
2105 living man or other animals and those on or in processed food,
2106 beverage or pharmaceuticals;

2107 (t) "Nematode" means invertebrate animals of the phylum
2108 nemathelminthes and class nematoda, that is, unsegmented round
2109 worms with elongated, fusiform, or sac-like bodies covered with
2110 cuticle and inhabiting soil, water, plants, or plant parts which may also
2111 be called nemas or eelworms;

2112 (u) "Person" means any individual, partnership, association,
2113 corporation, limited liability company, government entity, or any
2114 organized group of persons whether incorporated or not;

2115 (v) "Pest" shall have the meaning provided in 40 CFR 152.5, as
2116 amended from time to time;

2117 (w) "Pesticide" means any substance or mixture of substances
2118 intended for preventing, destroying, repelling, or mitigating any pest,
2119 or any substance or mixture of substances intended for use as a plant
2120 regulator, defoliant or desiccant;

2121 (x) "Plant regulator" means any substance or mixture of substances
2122 intended, through physiological action, for accelerating or retarding
2123 the rate of growth or rate of maturation, or for otherwise altering the
2124 behavior of plants or the produce thereof, but shall not include
2125 substances to the extent that they are intended as plant nutrients, trace
2126 elements, nutritional chemicals, plant inoculants, and soil amendments

2127 which are not for pest destruction and are nontoxic, nonpoisonous in
2128 the undiluted packaged concentration;

2129 (y) "Registrant" means a person who has registered any pesticide
2130 pursuant to the provisions of this chapter;

2131 (z) "Unreasonable adverse effects on the environment" means any
2132 unreasonable risk to man or the environment, taking into account the
2133 economic, social, and environmental costs and benefits of the use of
2134 any pesticide;

2135 (aa) "Weed" means any plant which grows where not wanted;

2136 (bb) "FIFRA" means the federal Insecticide, Fungicide and
2137 Rodenticide Act, 7 USC 135 et seq., as amended by the federal
2138 Environmental Pesticide Control Act of 1972, 7 USC 136 et seq., and as
2139 may be amended from time to time;

2140 (cc) "Restricted use pesticide" means any pesticide or pesticide use
2141 classified as restricted by the administrator of the United States
2142 Environmental Protection Agency or by the commissioner; and

2143 (dd) "Integrated pest management" means use of all available pest
2144 control techniques including judicious use of pesticides, when
2145 warranted, to maintain a pest population at or below an acceptable
2146 level, while decreasing the unnecessary use of pesticides.

2147 Sec. 55. Subsection (a) of section 22a-48 of the general statutes is
2148 repealed and the following is substituted in lieu thereof (*Effective*
2149 *October 1, 2002*):

2150 (a) Except as otherwise provided by this part, subsection (a) of
2151 section 23-61a [, or sections 23-61b to 23-61d, inclusive] or section 23-
2152 61b, as amended by this act, no person may distribute, sell, offer for
2153 sale, hold for sale, ship, deliver for shipment or receive and, having so
2154 received, deliver or offer to deliver, to any person in this state any
2155 pesticide which is not registered with the commissioner, provided a
2156 pesticide which is not registered with the commissioner may be

2157 transferred if (1) the transfer is from one plant in this state to another
2158 plant in this state operated by the same producer solely for packaging
2159 at the second plant or for use as a constituent part of another pesticide
2160 produced at the second plant; or (2) the transfer is pursuant to and in
2161 accordance with the requirements of an experimental use permit.

2162 Sec. 56. Subsection (j) of section 22a-50 of the general statutes is
2163 repealed and the following is substituted in lieu thereof (*Effective*
2164 *October 1, 2002*):

2165 (j) In no event shall registration of an article be construed as a
2166 defense for the commission of any offense under this part, subsection
2167 (a) of section 23-61a [, or sections 23-61b to 23-61d, inclusive] or section
2168 23-61, as amended by this act, provided if no cancellation proceedings
2169 are in effect, registration of a pesticide shall be prima facie evidence
2170 that the pesticide, its labeling and packaging comply with the
2171 registration provisions of this part and said sections.

2172 Sec. 57. Subsection (a) of section 22a-52 of the general statutes is
2173 repealed and the following is substituted in lieu thereof (*Effective*
2174 *October 1, 2002*):

2175 (a) The commissioner shall cancel the registration of any pesticide at
2176 the end of the five-year period which begins on the date of its
2177 registration, or at the end of any five-year period thereafter, unless the
2178 registrant, or other interested person with the concurrence of the
2179 registrant, before the end of such period, requests in accordance with
2180 regulations prescribed by the commissioner that the registration be
2181 continued in effect provided the commissioner may permit the
2182 continued sale and use of existing stocks of a pesticide whose
2183 registration is cancelled under this section to such extent, under such
2184 conditions, and for such uses as [he] the commissioner may specify if
2185 [he] the commissioner determines that such sale or use is not
2186 inconsistent with the purposes of this part, subsection (a) of section 23-
2187 61a [, or sections 23-61b to 23-61d, inclusive] or section 23-61b, as
2188 amended by this act, and will not have unreasonable adverse effects on

2189 the environment. The commissioner shall notify the registrant, at least
2190 thirty days prior to the expiration of such five-year period, that the
2191 registration will be cancelled.

2192 Sec. 58. Section 22a-56a of the general statutes is repealed and the
2193 following is substituted in lieu thereof (*Effective October 1, 2002*):

2194 The Commissioner of Environmental Protection may refuse to grant
2195 distributor registration or renewal of registration and may revoke or
2196 suspend registration following a hearing in accordance with the
2197 provisions of chapter 54. Any violation of the provisions of this part or
2198 of section 22a-66y or 22a-66z or a regulation adopted thereunder,
2199 applicable to registered distributors, shall be grounds for revocation,
2200 refusal to renew or suspension of registration including, but not be
2201 limited to, the following: (1) Falsification of records required to be
2202 maintained pursuant to subsections (a) and (b) of section 22a-58 or
2203 refusal to keep and maintain such records; (2) neglecting or refusing to
2204 comply with or violating any of the provisions of this part, the
2205 regulations adopted thereunder, or any lawful order of the
2206 commissioner; (3) the distribution, sale or offering for sale of any
2207 restricted use pesticide to any person unless that person is a
2208 commercial supervisor or a private applicator certified under section
2209 22a-54 or under subsection (a) of section 23-61a or [sections 23-61b to
2210 23-61d, inclusive] section 23-61b, as amended by this act, or a seller
2211 registered under section 22a-56; (4) distribution, sale or offering for
2212 sale any permit use pesticide to any person unless that person has a
2213 permit issued in accordance with the provisions of this part, subsection
2214 (a) of section 23-61a or [sections 23-61b to 23-61d, inclusive] section 23-
2215 61b, as amended by this act, or to a seller registered under section 22a-
2216 56; (5) the distribution, sale, offering for sale, holding for sale or
2217 offering to deliver any restricted or permit use pesticide without
2218 distributor registration under section 22a-56.

2219 Sec. 59. Subsection (b) of section 22a-57 of the general statutes is
2220 repealed and the following is substituted in lieu thereof (*Effective*
2221 *October 1, 2002*):

2222 (b) No person shall distribute, sell or offer for sale any permit use
2223 pesticide to any person unless that person has a permit issued in
2224 accordance with the provisions of this part, subsection (a) of section 23-
2225 61a or [sections 23-61b to 23-61d, inclusive] section 23-61b, as amended
2226 by this act, or to a seller registered under section 22a-56.

2227 Sec. 60. Subsection (b) of section 22a-58 of the general statutes is
2228 repealed and the following is substituted in lieu thereof (*Effective*
2229 *October 1, 2002*):

2230 (b) For the purposes of enforcing the provisions of this part,
2231 subsection (a) of section 23-61a [,] and sections 23-61b [to 23-61d,
2232 inclusive,] and 23-61f, as amended by this act, any distributor, carrier,
2233 dealer, or any other person who sells or offers for sale, delivers or
2234 offers for delivery any pesticide or device subject to this part and said
2235 sections, shall, upon request of any officer or employee of the
2236 Department of Environmental Protection duly designated by the
2237 commissioner, furnish or permit such person at all reasonable times to
2238 have access to, and to copy:

2239 (1) All records showing the delivery, movement, or holding of such
2240 pesticide or device, including the quantity, the date of shipment and
2241 receipt, and the name of the consignor and consignee; or

2242 (2) In the event of the inability of any person to produce records
2243 containing such information, all other records and information relating
2244 to such delivery, movement, or holding of the pesticide or device. Any
2245 inspection with respect to any records and information referred to in
2246 this subsection shall not extend to financial data, sales data other than
2247 shipment data, pricing data, personnel data, and research data.

2248 Sec. 61. Section 22a-59 of the general statutes is repealed and the
2249 following is substituted in lieu thereof (*Effective October 1, 2002*):

2250 (a) For purposes of enforcing the provisions of this chapter,
2251 subsection (a) of section 23-61a [,] and sections 23-61b [to 23-61d,
2252 inclusive,] and 23-61f, as amended by this act, officers or employees

2253 duly designated by the commissioner are authorized to enter at
2254 reasonable times, any establishment or other place where pesticides or
2255 devices are being or have been used, or where pesticides or devices are
2256 held for use, distribution or sale in order to: (1) Observe the application
2257 of pesticides; (2) determine if the applicator is or should be certified;
2258 (3) determine if the applicator has obtained a proper permit to apply
2259 restricted use pesticides; (4) inspect equipment or devices used to
2260 apply pesticides; (5) inspect or investigate the validity of damage
2261 claims; (6) inspect or obtain samples in any place where pesticides or
2262 devices have been used or are held for use, storage, distribution or
2263 sale; (7) obtain samples of any pesticides or devices packaged, labeled
2264 and released for shipment and samples of any containers or labeling
2265 for such pesticides or devices, and (8) obtain samples of any pesticides
2266 or devices that have been used and obtain samples of any containers or
2267 labeling for such pesticides or devices. Before undertaking such
2268 inspection, the officers or employees shall present to the owner,
2269 operator, or agent in charge of the establishment or other place where
2270 pesticides or devices are held for distribution or sale, appropriate
2271 credentials and a written statement as to the reason for the inspection,
2272 including a statement as to whether a violation of the law is suspected.
2273 If no violation is suspected, an alternate and sufficient reason shall be
2274 given in writing. Each such inspection shall be commenced and
2275 completed with reasonable promptness. If the officer or employee
2276 obtains any samples, prior to leaving the premises, he shall give to the
2277 owner, operator, or agent in charge a receipt describing the samples
2278 obtained and, if requested, a portion of each such sample equal in
2279 volume or weight to the portion retained. If an analysis is made of
2280 such samples, the laboratories of the Connecticut Agricultural
2281 Experiment Station may be used and a copy of the results of such
2282 analysis shall be furnished promptly to the owner, operator, or agents
2283 in charge and the commissioner.

2284 (b) For purposes of enforcing the provisions of this part, subsection
2285 (a) of section 23-61a [.] and sections 23-61b [to 23-61d, inclusive,] and
2286 23-61f, as amended by this act, and upon a showing to an officer or

2287 court of competent jurisdiction that there is reason to believe that the
2288 provisions of this chapter and said sections have been violated, officers
2289 or employees duly designated by the commissioner are empowered to
2290 obtain and to execute warrants authorizing: (1) Entry for the purpose
2291 of this section; (2) inspection and reproduction of all records showing
2292 the quantity, date of shipment, and the name of consignor and
2293 consignee of any pesticide or device found in the establishment which
2294 is adulterated, misbranded, not registered, in the case of a pesticide, or
2295 otherwise in violation of this part and said sections and in the event of
2296 the inability of any person to produce records containing such
2297 information, all other records and information relating to such
2298 delivery, movement, or holding of the pesticide or device; and (3) the
2299 seizure of any pesticide or device which is in violation of this part and
2300 said sections.

2301 Sec. 62. Subsection (b) of section 22a-62 of the general statutes is
2302 repealed and the following is substituted in lieu thereof (*Effective*
2303 *October 1, 2002*):

2304 (b) Any pesticide distributed, sold, offered for sale or delivered for
2305 transportation or transported into or within the state for the purpose of
2306 sale shall be subject to seizure and condemnation upon application of
2307 the commissioner to the superior court for the judicial district of
2308 Hartford:

2309 (1) In the case of a pesticide, if:

2310 (A) It is adulterated or misbranded;

2311 (B) It is not registered pursuant to the provisions of this part;

2312 (C) Its labeling fails to bear the information required by the federal
2313 Insecticide, Fungicide and Rodenticide Act (P.L. 92-516), as may be
2314 amended from time to time;

2315 (D) It is not colored or discolored and such coloring or discoloring is
2316 required under this part; or

2317 (E) Any of the claims for it or any of the directions for its use differ
2318 in substance from the representations made in connection with its
2319 registration;

2320 (2) In the case of a device, it is misbranded; or

2321 (3) In the case of a pesticide or device, when used in accordance
2322 with the requirements imposed under this part, subsection (a) of
2323 section 23-61a [, or sections 23-61b to 23-61d, inclusive;] or section 23-
2324 61b, as amended by this act, and as directed by the labeling, it
2325 nevertheless causes unreasonable adverse effects on the environment;

2326 (4) In the case of a plant regulator, defoliant or desiccant, used in
2327 accordance with the label claims and recommendations, physical or
2328 physiological effects on plants or parts thereof shall not be deemed to
2329 be injurious, when such effects are the purpose for which the plant
2330 regulator, defoliant or desiccant was applied.

2331 Sec. 63. Section 22a-63 of the general statutes, as amended by section
2332 6 of public act 01-204 and section 73 of public act 01-9 of the June
2333 special session, is repealed and the following is substituted in lieu
2334 thereof (*Effective October 1, 2002*):

2335 (a) Any registrant, commercial applicator, uncertified person who
2336 performs or advertises or solicits to perform commercial application,
2337 wholesaler, dealer, retailer or other distributor who knowingly violates
2338 any provision of this chapter, subsection (a) of section 23-61a [, or
2339 sections 23-61b to 23-61d, inclusive] or section 23-61b, as amended by
2340 this act, shall be fined not more than five thousand dollars, or
2341 imprisoned for not more than one year or both.

2342 (b) Any private applicator or other person, not included in
2343 subsection (a), who knowingly violates any provision of this chapter,
2344 subsection (a) of section 23-61a [, or sections 23-61b to 23-61d,
2345 inclusive] or section 23-61b, as amended by this act, shall be fined not
2346 more than one thousand dollars, or imprisoned for not more than
2347 thirty days or both.

2348 (c) Any person who, with intent to defraud, uses or reveals
2349 information relative to formulas of products acquired under the
2350 authority of this chapter, shall be fined not more than ten thousand
2351 dollars, or imprisoned for not more than one year or both.

2352 (d) When construing and enforcing the provisions of this chapter,
2353 subsection (a) of section 23-61a [,] and sections 23-61b [to 23-61d,
2354 inclusive,] and 23-61f, as amended by this act, the action, omission or
2355 failure to act of any officer, agent or other person acting for or
2356 employed by any person shall in every case be also deemed to be the
2357 action, omission or failure to act of such person as well as that of the
2358 person employed.

2359 (e) Any person who violates any provision of this chapter may be
2360 assessed a civil penalty of not more than two thousand five hundred
2361 dollars per day for each day such violation continues. The Attorney
2362 General, upon complaint of the commissioner, shall institute a civil
2363 action to recover such penalty in the superior court for the judicial
2364 district of Hartford. All actions brought by the Attorney General shall
2365 have precedence in the order of trial as provided in section 52-191.

2366 (f) Any person who is not certified as a commercial applicator who
2367 performs or advertises or solicits to perform commercial application of
2368 a pesticide, or any person possessing an operational certificate for
2369 commercial application under section 22a-54 who performs or
2370 advertises or solicits to perform any activity requiring a supervisory
2371 certificate for commercial application shall be assessed a civil penalty
2372 in an amount not less than one thousand dollars nor more than two
2373 thousand dollars for each day such violation continues. For any
2374 subsequent violation, such penalty shall be not more than five
2375 thousand dollars. The Attorney General, upon complaint of the
2376 commissioner, may institute a civil action to recover such penalty in
2377 the superior court for the judicial district of Hartford. Any penalties
2378 collected under this subsection shall be deposited in the
2379 Environmental Quality Fund established under section 22a-27g and
2380 shall be used by the commissioner to carry out the purposes of this

2381 section.

2382 Sec. 64. Section 22a-65 of the general statutes is repealed and the
2383 following is substituted in lieu thereof (*Effective October 1, 2002*):

2384 (a) After public hearing, the commissioner may make regulations
2385 governing the disposal of any pesticide or any container therefor, to
2386 prevent pollution of any waterway and to protect plant and animal
2387 life. Such regulations shall be consistent with Section 19(a) of FIFRA
2388 and regulations promulgated thereunder.

2389 (b) The commissioner shall, in cooperation with the college of
2390 agriculture and natural resources of The University of Connecticut, the
2391 Connecticut Agricultural Experiment Station and other public
2392 agencies, publish information regarding proper application or
2393 handling of pesticides and methods and precautions designed to
2394 prevent damage and injury.

2395 (c) The commissioner may undertake such monitoring activities,
2396 including but not limited to monitoring in air, soil, water, man, plants
2397 and animals, as may be necessary for the implementation of this part,
2398 subsection (a) of section 23-61a [, or sections 23-61b to 23-61d,
2399 inclusive] or section 23-61b, as amended by this act, and of the
2400 National Pesticide Monitoring Plan. Such activities shall be carried out
2401 in cooperation with federal, state and local agencies.

2402 (d) The commissioner shall establish a Pesticide Advisory Council
2403 consisting of, but not limited to, the director of the Agricultural
2404 Experiment Station, the Commissioner of Agriculture, the
2405 Commissioner of Public Health, and the dean of the college of
2406 agriculture of The University of Connecticut or their respective
2407 designees. The council shall meet at least annually and the
2408 commissioner may consult with the Pesticide Advisory Council on
2409 technical matters involving the application and use of pesticides, the
2410 determination of imminent hazards and the unreasonable adverse
2411 effects on the environment before promulgating regulations or orders
2412 in carrying out this part, subsection (a) of section 23-61a [.] and

2413 sections 23-61b [to 23-61d, inclusive,] and 23-61f, as amended by this
2414 act.

2415 Sec. 65. Section 22a-66 of the general statutes is repealed and the
2416 following is substituted in lieu thereof (*Effective October 1, 2002*):

2417 (a) The commissioner is authorized to prescribe regulations to carry
2418 out the provisions of this part, subsection (a) of section 23-61a [, and
2419 sections 23-61b to 23-61d, inclusive] and section 23-61b, as amended by
2420 this act. Such regulations shall take into account the difference in
2421 concept and usage between various classes of pesticides.

2422 (b) The commissioner may exempt from the requirements of this
2423 part, subsection (a) of section 23-61a [, and sections 23-61b to 23-61d,
2424 inclusive] and section 23-61b, as amended by this act, by regulation
2425 any pesticide which [he] the commissioner determines to be
2426 adequately regulated by another state or federal agency, in order to
2427 carry out the purposes of this part, [and said sections] said subsection
2428 and said section.

2429 (c) The commissioner, after notice and opportunity for hearing, is
2430 authorized:

2431 (1) To declare a pest any form of plant or animal life, other than man
2432 and other bacteria, virus and other microorganisms on or in living man
2433 or other living animals, which is injurious to health or the
2434 environment;

2435 (2) To determine any pesticide which contains any substance or
2436 substances in quantities highly toxic to man;

2437 (3) To prescribe regulations requiring any pesticide to be colored or
2438 discolored if [he] the commissioner determines that such requirement
2439 is feasible and is necessary for the protection of health and the
2440 environment. Such regulations shall be consistent with Section 25(c) of
2441 FIFRA and regulations promulgated thereunder;

2442 (4) To prohibit the use of any pesticides by officials of towns, cities

2443 or boroughs or their agents when such use would result in
2444 unreasonable adverse effects on the environment;

2445 (5) To prescribe regulations concerning the time, place, manner,
2446 methods, materials and amounts and concentrations, in connection
2447 with the application of pesticides in designated areas during specified
2448 periods of time and shall encompass all reasonable factors which the
2449 commissioner deems necessary to prevent damage or injury by drift or
2450 misapplication to:

2451 (i) Plants including forage plants, or adjacent or nearby lands;

2452 (ii) Wildlife in adjoining or nearby areas;

2453 (iii) Fish and other aquatic life in waters in reasonable proximity to
2454 the area to be treated;

2455 (iv) Beneficial insects, animals or man.

2456 (d) The commissioner is authorized to exercise all incidental powers
2457 including prescribing regulations, in accordance with the provisions of
2458 chapter 54, to comply with FIFRA.

2459 Sec. 66. Section 22a-209h of the general statutes is repealed and the
2460 following is substituted in lieu thereof (*Effective October 1, 2002*):

2461 [(a)] Each manufacturer of electric lamps containing mercury sold in
2462 this state, in consultation with the Commissioner of Environmental
2463 Protection and the Connecticut Resources Recovery Authority, shall
2464 provide to any distributor of such lamps written information stating
2465 that mercury is contained in such lamps and a description of the laws
2466 of this state governing management of spent lamps containing
2467 mercury. Each such manufacturer shall provide such information
2468 either on each such lamp containing mercury, or in or on the
2469 packaging of each such lamp containing mercury, or in a sufficient
2470 amount of printed material provided to retailers to allow retailers to
2471 make such information available to any consumer purchasing any
2472 such lamp containing mercury. Each such manufacturer shall provide

2473 to each municipality in this state information regarding the
2474 appropriate management of spent lamps containing mercury.

2475 [(b) On or before January 1, 2001, the Connecticut Resources
2476 Recovery Authority shall report to the joint standing committee of the
2477 General Assembly having cognizance of matters relating to the
2478 environment regarding any changes which said authority has detected
2479 in the amount of mercury-containing products in the waste stream
2480 over the previous two years.]

2481 Sec. 67. Section 23-61b of the general statutes is repealed and the
2482 following is substituted in lieu thereof (*Effective October 1, 2002*):

2483 (a) No person shall advertise, solicit or contract to do arboriculture
2484 within this state at any time without a license issued in accordance
2485 with the provisions of this section, except that any person may
2486 improve or protect any tree on [his] such person's own premises or on
2487 the property of [his] such person's employer without securing such a
2488 license provided such activity does not violate the provisions of
2489 chapter 441, subsection (a) of section 23-61a [,] or this section. [or
2490 section 23-61d.] Application for such license shall be made to the
2491 Commissioner of Environmental Protection and shall contain such
2492 information regarding the applicant's qualifications and proposed
2493 operations and other relevant matters as the commissioner may
2494 require and shall be accompanied by a fee of twenty-five dollars which
2495 shall not be returnable.

2496 (b) The commissioner shall require the applicant to show upon
2497 examination that [he] the applicant possesses adequate knowledge
2498 concerning the proper methods of arboriculture and the dangers
2499 involved and the precautions to be taken in connection with these
2500 operations, together with knowledge concerning the proper use and
2501 application of pesticides and the danger involved and precautions to
2502 be taken in connection with their application. If the applicant is other
2503 than an individual, the applicant shall designate an officer, member or
2504 technician of the organization to take the examination, which designee

2505 shall be subject to approval of the commissioner except that any
2506 person who uses pesticides in arboriculture shall be licensed to do
2507 arboriculture or shall be a licensed commercial applicator under
2508 chapter 441. If the extent of the applicant's operations warrant, the
2509 commissioner may require more than one such member or technician
2510 to be examined. If the commissioner finds the applicant qualified, [he]
2511 the commissioner shall issue a license to perform arboriculture within
2512 this state. A license shall be valid for a period of five years. If the
2513 commissioner finds that the applicant is not qualified, or if [he] the
2514 commissioner refuses to issue a license for any other reason, [he] the
2515 commissioner shall so inform the applicant in writing, giving reasons
2516 for such refusal.

2517 (c) The commissioner may issue a license without examination to
2518 any nonresident who is licensed in another state under a law that
2519 provides substantially similar qualifications for licensure and which
2520 grants similar privileges of licensure without examination to residents
2521 of this state licensed under the provisions of this section.

2522 (d) Each licensee shall pay a license renewal fee of one hundred fifty
2523 dollars for each renewal. All examination and license renewal fees
2524 shall be deposited as provided in section 4-32, and any expenses
2525 incurred by the commissioner in making examinations, issuing
2526 certificates, inspecting tree work or performing any duties of the
2527 commissioner shall be charged against appropriations of the General
2528 Fund.

2529 (e) Each licensee shall maintain and, upon request, furnish such
2530 records concerning licensed activities as the commissioner may
2531 require.

2532 (f) The commissioner may suspend for not more than ten days and,
2533 after notice and hearing as provided in any regulations established by
2534 the commissioner, [he] may suspend for additional periods, or [he] the
2535 commissioner may revoke, any license issued under this section if [he]
2536 the commissioner finds that the licensee is no longer qualified or has

2537 violated any provision of [sections 23-61a to 23-61d, inclusive] section
2538 23-61a or this section, or any regulation adopted thereunder.

2539 (g) The Commissioner of Environmental Protection, in consultation
2540 with the board, shall establish standards for examining applicants and
2541 reexamining applicators with respect to the proper use and application
2542 of pesticides and agricultural methods. Such standards shall provide
2543 that in order to be certified, an individual shall be competent with
2544 respect to the use and handling of pesticides or the use and handling
2545 of the pesticide or class of pesticides covered by such individual's
2546 application or certification and in the proper and safe application of
2547 recognized arboricultural methods.

2548 (h) Any licensed arborist shall be considered to be a certified
2549 applicator under section 22a-54 with respect to the use of pesticides.

2550 Sec. 68. Section 23-61f of the general statutes is repealed and the
2551 following is substituted in lieu thereof (*Effective October 1, 2002*):

2552 (a) Any person who violates any provision of subsection (b), (c) or
2553 (d) of section 23-61b, as amended by this act, [or section 23-61d] or of
2554 any regulation issued under subsection (e) of section 23-61a shall be
2555 fined not more than two hundred dollars.

2556 (b) Any person who violates any provision of chapter 441 or
2557 [sections 23-61a to 23-61d, inclusive,] section 23-61a shall be considered
2558 under the jurisdiction of the Commissioner of Environmental
2559 Protection.

2560 (c) Any person who violates any provision of subsection (a) of
2561 section 23-61b, as amended by this act, [or section 23-61d] shall be
2562 assessed a civil penalty of not less than one thousand dollars but not
2563 more than two thousand five hundred dollars for each day such
2564 violation continues. The Attorney General, upon complaint of the
2565 commissioner, shall institute a civil action in the superior court for the
2566 judicial district of Hartford to recover such penalty. Any such action
2567 shall have precedence in the order of trial as provided in section 52-

2568 191.

2569 Sec. 69. Section 25-32g of the general statutes, as amended by section
2570 2 of public act 01-185, is repealed and the following is substituted in
2571 lieu thereof (*Effective October 1, 2002*):

2572 If the Commissioner of Public Health finds after investigation that
2573 any person is causing, engaging in or maintaining, or is about to cause,
2574 engage in or maintain, any condition or activity which violates any
2575 provision of sections 19a-36 to 19a-39, inclusive, or sections 25-32 to
2576 [25-54] 25-53, inclusive, as amended, or any regulation or permit
2577 adopted or issued thereunder and constitutes an immediate threat to
2578 the quality or adequacy of any source of water supply, the
2579 commissioner may, without prior hearing, issue an order in writing to
2580 such person to discontinue, abate, alleviate or correct such condition or
2581 activity. Upon receipt of such an order such person shall immediately
2582 discontinue, abate, alleviate or correct such condition or activity. The
2583 commissioner shall, within ten days after such order, hold a hearing to
2584 provide the person an opportunity to be heard and show that such
2585 condition, activity or violation does not exist. The local director of
2586 health in the municipality or municipalities in which such violation
2587 occurred or that utilize such water shall have the right to be heard in
2588 such proceeding. Such order shall remain in effect until ten days after
2589 the hearing within which time a new decision based on the hearing
2590 shall be made.

2591 Sec. 70. Section 29-391 of the general statutes is repealed and the
2592 following is substituted in lieu thereof (*Effective October 1, 2002*):

2593 In any case in which any person suffers injury or in which the death
2594 of any person ensues in consequence of the failure of the owner of any
2595 building to provide the same with fire escapes or stairways as required
2596 by the provisions of [sections 29-389 and] section 29-390 or in
2597 consequence of the failure of such owner to comply with any order of
2598 the Labor Commissioner, made in conformity to the provisions
2599 thereof, such owner shall be liable to any person so injured for

2600 damages for such injury; and, in case of death, such owner shall be
2601 liable in damages for the injury caused by the death of such person. It
2602 shall be no defense to any action for the recovery of such damages that
2603 the person injured or whose death ensued as aforesaid had knowledge
2604 that such building was not provided with fire escapes or stairways as
2605 required by said sections or that such person continued to work in or
2606 to occupy such building with such knowledge. The owner of any
2607 building or, if such owner is non compos mentis or a minor, the
2608 guardian of such owner or, if such owner is a nonresident, the agent of
2609 such owner having charge of such property who fails to comply with
2610 the provisions of [sections 29-389 and] section 29-390 shall be fined not
2611 less than one hundred dollars nor more than five hundred dollars or
2612 imprisoned not more than three months or be both fined and
2613 imprisoned.

2614 Sec. 71. Section 31-44 of the general statutes is repealed and the
2615 following is substituted in lieu thereof (*Effective October 1, 2002*):

2616 Each owner, lessee or occupant of a factory or other building
2617 included within the provisions of this chapter, or owning or
2618 controlling the use of any room in such building, shall, for the
2619 violation of any provision of section [31-34,] 31-42 or 31-43, or for
2620 obstructing or hindering the commissioner or [his] the commissioner's
2621 deputies in carrying out the duties imposed on them by law, be fined
2622 not more than fifty dollars; but no prosecution shall be brought for any
2623 such violation until four weeks after notice has been given by the
2624 commissioner to such owner, lessee or occupant of any changes
2625 necessary to be made to comply with the provisions of said sections,
2626 and not then if, in the meantime, such changes have been made in
2627 accordance with such notification. Nothing herein shall limit the right
2628 of a person injured to bring an action to recover damages.

2629 Sec. 72. Section 32-97 of the general statutes is repealed and the
2630 following is substituted in lieu thereof (*Effective October 1, 2002*):

2631 The council shall make a report to the Governor on or before the

thirty-first day of January each year. The report shall include a summary of the activities of the council for the preceding year and any recommendations for legislation as may be necessary to promote the purposes of sections 32-96 to [32-101] 32-100, inclusive, as amended by this act.

Sec. 73. Section 32-99 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

The council shall have the following powers: (1) To request and obtain from any department, board, commission or other agency of the state or of any municipality, authority or other political subdivision within the state such assistance and data as will enable it to carry out the purposes of sections 32-96 to [32-101] 32-100, inclusive, as amended by this act; (2) to accept any federal funds granted for all or any of the purposes of said sections; (3) to accept any gifts, donations, bequests or grants of funds from private and public agencies for all or any of the purposes of said sections; (4) to coordinate the activities of any boards or commissions appointed by any municipality within the state for all or any of the purposes of said sections; and (5) to perform such other acts as may be necessary and appropriate to carry out the objectives and purposes of said sections.

Sec. 74. Section 36a-30 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) As used in sections 36a-30 to 36a-33, inclusive, as amended by this act, unless the context otherwise requires:

(1) "Bank" means any bank or out-of-state bank that maintains in this state a branch as defined in section 36a-410. "Bank" does not include special purpose banks that do not perform commercial or retail banking services in which credit is granted to the public in the ordinary course of business, other than as an incident to their specialized operations, including, but not limited to, banker's banks and banks that engage only in one or more of the following activities: Providing cash management controlled disbursement services or

2664 serving as correspondent banks, trust companies or clearing agents.

2665 (2) "Federal CRA" means (A) the federal Community Reinvestment
2666 Act of 1977, 12 USC Section 2901 et seq., as from time to time amended,
2667 and (B) the regulations implementing said act adopted by the federal
2668 financial supervisory agencies as set forth in 12 CFR Part 25, 12 CFR
2669 Part 228, 12 CFR Part 345 and 12 CFR Part 563e, as from time to time
2670 amended, and as applicable to the specific type of bank.

2671 (3) "Federal financial supervisory agency" means the Office of the
2672 Comptroller of the Currency, the Board of Governors of the Federal
2673 Reserve System, the Federal Deposit Insurance Corporation, the Office
2674 of Thrift Supervision and any successor to any of the foregoing
2675 agencies, as applicable to the specific type of bank.

2676 (b) The commissioner shall assess the record of each bank in
2677 satisfying its continuing and affirmative obligations to help meet the
2678 credit needs of its local communities, including low and moderate-
2679 income neighborhoods, consistent with the safe and sound operation
2680 of such banks, and shall provide for the consideration of such records
2681 in connection with any application listed in subsection (c) of section
2682 36a-32.

2683 (c) Each bank shall, in accordance with the provisions of federal
2684 CRA and without excluding low and moderate-income
2685 neighborhoods, delineate the local community or communities that
2686 comprise its entire community within this state or delineate one or
2687 more assessment areas, as applicable, within which the commissioner
2688 shall evaluate the bank's record of helping to meet the credit needs of
2689 its entire community in this state. The commissioner shall review the
2690 delineation for compliance with federal CRA and this subsection in
2691 connection with an examination of the bank under section 36a-17.

2692 [(d) Until, but not after June 30, 1997, unless otherwise provided by
2693 federal CRA:

2694 (1) The governing board of each bank shall adopt a community

2695 reinvestment statement for each delineated community. Each such
2696 statement shall include at least the following: (A) The delineation of
2697 the local community; (B) a list of specific types of credit within certain
2698 categories such as residential loans for one to four dwelling units,
2699 residential loans for five dwelling units and over, housing
2700 rehabilitation loans, home improvement loans, small business loans,
2701 farm loans, community development loans, commercial loans and
2702 consumer loans that the bank is prepared to extend within the local
2703 community; and (C) a copy of the community reinvestment notice as
2704 provided in section 36a-31.

2705 (2) Each bank may include the following in each community
2706 reinvestment statement: (A) A description of how its current efforts,
2707 including special credit-related programs, help to meet community
2708 credit needs; (B) a periodic report regarding its record of helping to
2709 meet community credit needs; and (C) a description of its efforts to
2710 ascertain the credit needs of its community, including efforts to
2711 communicate with members of its community regarding credit
2712 services. Any community reinvestment statements in effect during the
2713 preceding two years shall be placed in the bank's public file.

2714 (3) Each bank's governing board shall review each community
2715 reinvestment statement at least annually and shall act upon any
2716 material change made in the interim at its first regular meeting after
2717 the change. Such actions shall be noted in its minutes. Each current
2718 community reinvestment statement shall be readily available for
2719 public inspection (A) at the main office of the bank, and (B) at each
2720 office of the bank in the local community delineated in such statement,
2721 except satellite devices. Copies of each current community
2722 reinvestment statement shall be provided to the public upon request.
2723 A bank may charge a reasonable fee not to exceed the cost of copying
2724 and mailing, if applicable.]

2725 [(e)] (d) Each bank shall collect and report loan information in
2726 accordance with the applicable requirements of federal CRA. Each
2727 bank shall file with the commissioner a copy of each CRA disclosure

2728 statement prepared for such bank by a federal financial supervisory
2729 agency under federal CRA within thirty business days after receiving
2730 the statement.

2731 [(f)] (e) Copies of the public section of the most recent community
2732 reinvestment performance evaluation prepared by the commissioner
2733 pursuant to subsection (b) of section 36a-32 shall be provided to the
2734 public upon request. A bank may charge a reasonable fee not to exceed
2735 the cost of copying and mailing, if applicable.

2736 [(g)] (f) Each bank shall maintain a public file in accordance with
2737 federal CRA. Each bank shall place a copy of the public section of the
2738 bank's most recent community reinvestment performance evaluation
2739 prepared by the commissioner pursuant to subsection (b) of section
2740 36a-32 in the public file within thirty business days after its receipt
2741 from the commissioner. The bank may also include in the public file
2742 any response to such performance evaluation that the bank wishes to
2743 make. The bank shall make a copy of the public section of such
2744 performance evaluation available to the public for inspection upon
2745 request and at no cost at the bank's main office and at each of its
2746 branches in this state. Any bank that received a less than satisfactory
2747 rating during its most recent examination under section 36a-32 shall
2748 include in its public file a description of its current efforts to improve
2749 its performance in helping to meet the credit needs of its entire
2750 community. The bank shall update the description quarterly.

2751 [(h)] (g) The commissioner may assess a bank's record of helping to
2752 meet the credit needs of its assessment areas under a strategic plan
2753 pursuant to federal CRA, provided (1) the strategic plan is filed with
2754 the commissioner concurrently with its submission by the bank to a
2755 federal financial supervisory agency for approval under federal CRA,
2756 and (2) the strategic plan is approved by the commissioner.

2757 Sec. 75. Subsection (e) of section 36a-31 of the general statutes is
2758 repealed and the following is substituted in lieu thereof (*Effective*
2759 *October 1, 2002*):

2760 (e) The information, statements, evaluations and notices required
2761 under this section and [subsections (d) and (g)] subsection (f) of section
2762 36a-30, as amended by this act, may be combined with or attached to
2763 the information, statements, evaluations and notices required under
2764 federal CRA.

2765 Sec. 76. Subsection (l) of section 36a-70 of the general statutes is
2766 repealed and the following is substituted in lieu thereof (*Effective*
2767 *October 1, 2002*):

2768 (l) The approving authority shall cause to be made an examination
2769 of the proposed Connecticut bank upon notice from the organizers that
2770 the following conditions have occurred: (1) The proposed bank has
2771 been fully organized according to law; (2) the State Treasurer has been
2772 paid the franchise tax and filing fee specified in subsection (o) of this
2773 section; (3) the proposed bank has raised the minimum equity capital
2774 required; and (4) in the case of a proposed capital stock Connecticut
2775 bank, a certified list of each subscriber who will own at least five per
2776 cent of any class of voting securities of the proposed bank, showing the
2777 number of shares owned by each, has been filed with the
2778 commissioner. If all provisions of law have been complied with, a final
2779 certificate of authority to commence the business for which the bank
2780 was organized shall be issued by the approving authority. [except as
2781 provided in subdivision (5) of subsection (r) of this section.] One copy
2782 of the final certificate shall be filed with the Secretary of the State, one
2783 copy shall be retained by the bank, and one copy shall be retained by
2784 the commissioner.

2785 Sec. 77. Subsection (r) of section 36a-70 of the general statutes, as
2786 amended by section 2 of public act 01-183, is repealed and the
2787 following is substituted in lieu thereof (*Effective October 1, 2002*):

2788 (r) (1) As used in this subsection and section 36a-252, as amended,
2789 "community bank" means a Connecticut bank that is organized
2790 pursuant to this subsection and is subject to the provisions of this
2791 subsection and section 36a-252, as amended.

2792 (2) One or more persons may organize a community bank in
2793 accordance with the provisions of this section, except that subsection
2794 (g) of this section shall not apply. Any such community bank shall
2795 commence business with a minimum equity capital of at least three
2796 million dollars. The approving authority for a community bank shall
2797 be the commissioner acting alone. In addition to the considerations
2798 and determinations required by subsection (h) of this section, before
2799 granting a temporary certificate of authority to organize a community
2800 bank, the approving authority shall determine that (A) each of the
2801 proposed directors and proposed executive officers, as defined in
2802 subparagraph (D) of subdivision (3) of this subsection, possesses
2803 capacity and fitness for the duties and responsibilities with which such
2804 director or officer will be charged, and (B) there is satisfactory
2805 community support for the proposed community bank based on
2806 evidence of such support provided by the organizers to the approving
2807 authority. If the approving authority cannot make such determination
2808 with respect to any such proposed director or proposed executive
2809 officer, the approving authority may refuse to allow such proposed
2810 director or proposed executive officer to serve in such capacity in the
2811 proposed community bank.

2812 (3) A community bank shall have all of the powers of and be subject
2813 to all of the requirements and limitations applicable to a Connecticut
2814 bank under this title which are not inconsistent with this subsection,
2815 except: (A) No community bank may (i) exercise any of the fiduciary
2816 powers granted to Connecticut banks by law until express authority
2817 therefor has been given by the approving authority, (ii) establish and
2818 maintain one or more mutual funds, (iii) invest in derivative securities
2819 other than mortgage backed securities fully guaranteed by
2820 governmental agencies or government sponsored agencies, (iv) own
2821 any real estate for the present or future use of the bank unless the
2822 approving authority finds, based on an independently prepared
2823 analysis of costs and benefits, that it would be less costly to the bank to
2824 own instead of lease such real estate, or (v) make mortgage loans
2825 secured by nonresidential real estate the aggregate amount of which, at

2826 the time of origination, exceeds ten per cent of all assets of such bank;
2827 (B) the aggregate amount of all loans made by a community bank shall
2828 not exceed eighty per cent of the total deposits held by such bank; (C)
2829 (i) the total direct or indirect liabilities of any one obligor, whether or
2830 not fully secured and however incurred, to any community bank,
2831 exclusive of such bank's investment in the investment securities of
2832 such obligor, shall not exceed at the time incurred ten per cent of the
2833 equity capital and reserves for loan and lease losses of such bank, and
2834 (ii) the limitations set forth in subsection (a) of section 36a-262 shall
2835 apply to this subparagraph; and (D) the limitations set forth in
2836 subsection (a) of section 36a-263 shall apply to all community banks,
2837 provided, a community bank may (i) make a mortgage loan to any
2838 director or executive officer secured by premises occupied or to be
2839 occupied by such director or officer as a primary residence, (ii) make
2840 an educational loan to any director or executive officer for the
2841 education of any child of such director or executive officer, and (iii)
2842 extend credit to any director or executive officer in an amount not
2843 exceeding ten thousand dollars for extensions of credit not otherwise
2844 specifically authorized in this subparagraph. The aggregate amount of
2845 all loans or extensions of credit made by a community bank pursuant
2846 to this subparagraph shall not exceed thirty-three and one-third per
2847 cent of the equity capital and reserves for loan and lease losses of such
2848 bank. As used in this subparagraph, "executive officer" means every
2849 officer of a community bank who participates or has authority to
2850 participate, other than in the capacity of a director, in major
2851 policy-making functions of the bank, regardless of whether such
2852 officer has an official title or whether such officer serves without salary
2853 or other compensation. The vice president, chief financial officer,
2854 secretary and treasurer of a community bank are presumed to be
2855 executive officers unless, by resolution of the governing board or by
2856 the bank's bylaws, any such officer is excluded from participation in
2857 major policy-making functions, other than in the capacity of a director
2858 of the bank, and such officer does not actually participate in major
2859 policy-making functions.

2860 (4) The audit and examination requirements set forth in section
2861 36a-86, as amended, shall apply to each community bank.

2862 [(5) Any organizers who filed an application to organize a
2863 Connecticut bank under this section prior to November 1, 1996, and
2864 have not been issued or denied a final certificate of authority under
2865 subsection (l) of this section, and who give notice to the applicable
2866 approving authority specified in subsection (h) of this section that the
2867 proposed bank has raised equity capital in an amount not less than
2868 three million dollars, may amend such application to an application to
2869 organize a community bank under this subsection. Such organizers
2870 shall file (A) an amended certificate of incorporation limiting the
2871 powers of the proposed bank in accordance with this subsection, (B) an
2872 amended proposed business plan, (C) an amended feasibility study,
2873 (D) an amended three-year financial forecast prepared by a certified
2874 public accounting firm or other professional firm approved by the
2875 commissioner, and (E) evidence satisfactory to the approving authority
2876 under this subsection that there is community support for the
2877 proposed community bank. Within twenty days after receipt of the
2878 amended feasibility study, the commissioner may, at the expense of
2879 the organizers, order an independent feasibility study. The approving
2880 authority under this subsection shall make the considerations and
2881 determinations required by subdivision (2) of this subsection. If the
2882 amended application is approved by the approving authority under
2883 this subsection and the organizers have given notice to said approving
2884 authority that the requirements of subsection (l) of this section have
2885 been met, a final certificate of authority to commence business as a
2886 community bank shall be issued by the approving authority under this
2887 subsection.]

2888 [(6)] (5) The commissioner may adopt regulations, in accordance
2889 with chapter 54, to administer the provisions of this subsection and
2890 section 36a-252, as amended.

2891 Sec. 78. Section 36a-425 of the general statutes, as amended by
2892 section 8 of public act 01-183, is repealed and the following is

2893 substituted in lieu thereof (*Effective October 1, 2002*):

2894 (a) Except as otherwise provided in this title, no foreign banking
2895 corporation shall transact in this state the business authorized by its
2896 certificate of incorporation or by the laws of the state under which it
2897 was organized, unless empowered to do so by any provision of the
2898 general statutes or any special act of this state; provided, without
2899 excluding other activities which may not constitute transacting
2900 business in this state, no such foreign banking corporation shall be
2901 deemed to be doing or transacting business in this state for purposes of
2902 this section by reason of its acting as an investment adviser to the State
2903 Treasurer or by reason of its making loans whether secured or
2904 unsecured. For purposes of this section, "foreign banking corporation"
2905 means a banking corporation which is organized under the laws of or
2906 has its principal office in any state other than Connecticut or any
2907 foreign country. Notwithstanding the provisions of this subsection, a
2908 foreign banking corporation which transacts business in this state for
2909 the purposes of section 33-920 or section 33-1210 shall comply with the
2910 requirements of subsection (a) of section 33-920 or subsection (a) of
2911 section 33-1210.

2912 (b) Except as otherwise provided in this title, no foreign banking
2913 corporation, holding company, subsidiary of a holding company, or
2914 subsidiary or affiliate of a banking corporation may establish or
2915 maintain an office in this state if such office will be used to enable such
2916 corporation, holding company or subsidiary or affiliate to engage in
2917 banking business in Connecticut. If the commissioner determines that
2918 an office is being used to enable the corporation, holding company or
2919 subsidiary or affiliate to engage in banking business in Connecticut,
2920 the commissioner shall order that such office be closed or take action
2921 against such entities in accordance with section 36a-50. The
2922 establishment or maintenance of an office in this state which will not
2923 enable a foreign banking corporation, holding company, subsidiary of
2924 a holding company, or subsidiary or affiliate of a banking corporation
2925 to engage in banking business in Connecticut does not violate the
2926 provisions of subsection (a) of this section. For the purpose of this

2927 subsection, the term "banking business" shall include, but shall not be
2928 limited to, receiving deposits, paying checks, lending money and any
2929 activity which is determined by the commissioner to be so closely
2930 related to banking as to be a proper incident thereto.

2931 (c) The provisions of subsection (b) of this section shall not apply to:
2932 (1) An office of a bank; (2) an office established or maintained for the
2933 purpose of managing or controlling a bank; (3) an office of a subsidiary
2934 of a bank, which subsidiary is limited to carrying on one or more of the
2935 functions which such bank may carry on directly in the exercise of its
2936 express or implied powers; (4) an office of a holding company or
2937 subsidiary of a holding company or banking corporation which
2938 required and which had received all requisite state and federal
2939 authorization and was open for business prior to June 1, 1984,
2940 provided such office may not engage in any activities other than those
2941 for which it had authorization and in which it was actually engaged on
2942 June 1, 1984; (5) an office established or maintained pursuant to
2943 subsection (d) of this section; (6) an office of a foreign bank that is a
2944 federal branch or a federal agency; or (7) an office of a subsidiary of a
2945 foreign bank that has a federal branch or a state branch in this state,
2946 which subsidiary is limited to carrying on one or more of the functions
2947 which such branch of such foreign bank may carry on directly.

2948 (d) Any holding company may establish or maintain, either directly
2949 or through any subsidiary of such holding company that is not a
2950 banking corporation, and any banking corporation that is not a
2951 subsidiary of a holding company may establish or maintain, through
2952 any of its subsidiaries that are not banking corporations, one or more
2953 offices for the purpose of engaging in banking business other than to
2954 provide deposit services in this state. No office established or
2955 maintained under this subsection may be converted into an office that
2956 engages in banking business which includes providing deposit
2957 services. For purposes of this subsection, "deposit services" includes
2958 but is not limited to, deposits, withdrawals, advances, payments and
2959 transfers of funds to or from a deposit account.

2960 (e) [(1)] Any person who establishes or maintains an office or
2961 transacts business in this state in violation of this section shall be
2962 subject to the penalties imposed by subsection (d) of section 33-921.

2963 [(2) The provisions of subsections (a), (b) and (c) of section 33-921
2964 shall not be applicable to any foreign banking corporation by reason of
2965 its maintenance of an office or its transaction of business in this state in
2966 violation of this section before May 31, 1991, provided nothing in this
2967 subdivision shall be construed to affect any action pending on May 31,
2968 1991.]

2969 (f) Any person may bring an action in any court of competent
2970 jurisdiction to enjoin any person from violating the provisions of this
2971 section.

2972 Sec. 79. Section 38a-317 of the general statutes, as amended by
2973 section 7 of public act 01-174, is repealed and the following is
2974 substituted in lieu thereof (*Effective October 1, 2002*):

2975 A mobile homeowner shall be a homeowner for purposes of
2976 sections 38a-72 to 38a-75, inclusive, 38a-285, [38a-286,] 38a-305 to 38a-
2977 318, inclusive, as amended, 38a-328, 38a-663 to 38a-696, inclusive, as
2978 amended, 38a-827 and 38a-894 to 38a-898, inclusive, as amended, and
2979 homeowners policies as regulated under said sections shall be offered
2980 on the same terms to such an owner as to other homeowners, when
2981 such mobile homeowner owns and occupies a mobile dwelling
2982 equipped for year-round living which is permanently attached to a
2983 permanent foundation on property owned or leased by such mobile
2984 homeowner, is connected to utilities, is assessed as real property on the
2985 tax list of the town in which it is located and is in conformance with
2986 applicable state and local laws and ordinances.

2987 Sec. 80. Subsection (b) of section 51-164n of the general statutes, as
2988 amended by section 5 of public act 01-186, is repealed and the
2989 following is substituted in lieu thereof (*Effective October 1, 2002*):

2990 (b) Notwithstanding any provision of the general statutes to the

2991 contrary, any person who is alleged to have committed (1) a violation
2992 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, [7-18,]
2993 7-35, 7-41, as amended, 7-83, [7-104,] 7-283, 7-325, 7-393, 8-25, as
2994 amended, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-197, 10-198,
2995 10-230, 10-251, 10-254, 12-52, 12-170aa, as amended, 12-292, 12-326g,
2996 subsection (4) of section 12-408, subsection (3), (5) or (6) of section 12-
2997 411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113,
2998 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
2999 143b, 13a-247, 13a-253, subsection (f) of section 13b-42, section 13b-90,
3000 13b-221, [13b-224,] 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-
3001 410b, 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-
3002 414, subsection (d) of section 14-12, section 14-20a, 14-27a, subsection
3003 (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-
3004 49, 14-50a, 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b,
3005 14-67a, subsection (f) of section 14-80h, section 14-97a, section 14-100b,
3006 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153, 14-163b, a first
3007 violation as specified in subsection (f) of section 14-164i, section 14-219
3008 specified in subsection (e) of said section, subsection (b) of section 14-
3009 227a, section 14-240, 14-249, 14-250, subsection (a), (b) or (c) of section
3010 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278,
3011 14-279, as amended, subsection (e) of section 14-283, as amended,
3012 section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330,
3013 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-33,
3014 subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15, 16a-22,
3015 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,
3016 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, as amended, 17b-
3017 407, 17b-451, as amended, 17b-734, subsection (b) of section 17b-736,
3018 19a-30, 19a-33, 19a-39, 19a-87, subsection (b) of section 19a-87a, section
3019 19a-91, 19a-105, 19a-107, [19a-108,] 19a-215, 19a-219, 19a-222, 19a-224,
3020 19a-286, as amended, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-
3021 336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, as amended, 20-7a, 20-
3022 14, 20-158, 20-231, 20-257, as amended, 20-265, 20-324e, subsection (a)
3023 of section 20-341, section 20-341l, 20-597, 20-608, 20-610, as amended,
3024 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25,
3025 21a-26, 21a-30, [21a-31,] subsection (a) of section 21a-37, section 21a-46,

21a-61, 21a-63, 21a-77, subsection (b) of section 21a-79, as amended,
section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15,
22-16, 22-29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-
39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-
100, 22-111o, [22-123,] 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-
326, 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-
366, 22-391, 22-413, 22-414, 22-415, 22a-66a, 22a-246, subsection (a) of
section 22a-250, subsection (e) of section 22a-256h, section 22a-449, 22a-
461, 23-37, as amended, 23-38, as amended, 23-46, 23-61b, as amended
by this act, subsection (a) or (b) of section 23-65, section 25-37, 25-40,
26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79,
26-89, 26-97, 26-107, 26-117, as amended, 26-128, 26-131, 26-132, 26-138,
26-141, as amended, 26-207, 26-215, [26-221, 26-222,] 26-224a, 26-227,
26-230, [26-234, 26-267, 26-269,] 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-
161b, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-
48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18,
31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,
31-48, 31-51, 31-51k, 31-52, 31-52a, 31-54, subsection (a) or (c) of section
31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b, 31-134,
subsection (g) of section 31-273, section 31-288, 36a-787, 42-230, [44-3,]
45a-450, 45a-634, 45a-658, subdivision (13) or (14) of section 46a-54, as
amended, section 46a-59, 46b-22, as amended, 46b-24, 46b-34, 47-34a,
47-47, 49-8a, 49-16, 53-133, subsection (a) or (b) of section 53-211,
section 53-212a, 53-249a, 53-252, 53-264, [53-301,] 53-302a, 53-303e, 53-
311a, 53-321, 53-322, 53-323, as amended, 53-331, 53-344, as amended,
or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a
violation of any regulation adopted in accordance with the provisions
of section 12-484, 12-487 or 13b-410, shall follow the procedures set
forth in this section.

Sec. 81. Section 51-181c of the general statutes is repealed and the
following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) The Chief Court Administrator shall designate one court location
in which a community court pilot program is to be established where
there shall be a docket separate from other criminal matters for the

3060 hearing of (1) criminal matters which are misdemeanor cases, (2)
3061 misdemeanor cases transferred by the housing session of the Superior
3062 Court, and (3) violations of municipal ordinances referred by
3063 municipalities, in accordance with policies and procedures established
3064 by the Chief Court Administrator.

3065 (b) The community court may accept transfers and referrals of cases
3066 pursuant to subdivisions (1) and (2) of subsection (a) of this section.
3067 The community court may order any person to participate in a
3068 community service program, (1) if the person has not previously been
3069 placed in such program, the court may suspend prosecution and place
3070 such person in such program or, upon a plea of guilty without trial,
3071 suspend any sentence of imprisonment and make participation in such
3072 program a condition of probation or conditional discharge in
3073 accordance with section 53a-30, as amended, or (2) if such person has
3074 previously been placed in such program, the court may, upon a plea of
3075 guilty without trial, suspend any sentence of imprisonment and make
3076 participation in such program a condition of probation or conditional
3077 discharge in accordance with said section 53a-30, as amended.

3078 (c) Any person for whom prosecution is suspended and who is
3079 placed in the community service program pursuant to subdivisions (1)
3080 and (2) of subsection (a) of this section shall agree to the tolling of the
3081 statute of limitations with respect to such crime and to a waiver of his
3082 right to a speedy trial. If the program monitor certifies to the court that
3083 such person successfully completed the community service program,
3084 the court shall make a finding of such satisfactory completion and
3085 dismiss the charges. If the program monitor certifies to the court that
3086 such person did not successfully complete the community service
3087 program to which he was assigned or is no longer amendable to
3088 participate in such program, the court shall enter a plea of not guilty
3089 for such person and transfer the case to the regular criminal docket
3090 and immediately place the case on the trial list except that cases
3091 accepted from the housing session pursuant to subdivision (2) of
3092 subsection (a) of this section shall be returned to the housing session.

3093 (d) The community court may accept transfers and referrals of
3094 violations of municipal ordinances under subdivision (3) of subsection
3095 (a) of this section whether or not any such person has been found
3096 guilty of such violation prior to such referral to community court. The
3097 community court may order any such person to participate in a
3098 community service program up to a maximum of twenty hours in lieu
3099 of, or in addition to, a fine for such violation. If the program monitor
3100 certifies to the court that such person successfully completed the
3101 community service program, the court shall make a finding of such
3102 satisfactory completion and dismiss the charges.

3103 [(e) The Chief Court Administrator shall establish policies and
3104 procedures to implement such pilot program and on or before January
3105 1, 1998, shall report recommendations for the possible expansion to
3106 two additional pilot sites to the judiciary committee of the General
3107 Assembly.]

3108 Sec. 82. Section 51-279c of the general statutes is repealed and the
3109 following is substituted in lieu thereof (*Effective October 1, 2002*):

3110 [(a)] The Chief State's Attorney shall establish a formal training
3111 program for all newly-appointed prosecuting attorneys consisting of
3112 not less than five days and an ongoing training program for all
3113 prosecuting attorneys consisting of not less than two days each year.
3114 Such training programs shall commence January 1, 1998.

3115 [(b) Not later than November 1, 1997, the Chief State's Attorney
3116 shall provide a copy of his plan for such training programs to the
3117 judiciary committee of the General Assembly.]

3118 Sec. 83. Section 53a-39d of the general statutes is repealed and the
3119 following is substituted in lieu thereof (*Effective October 1, 2002*):

3120 (a) Not later than October 1, 1998, the Chief Court Administrator
3121 shall establish a pilot zero-tolerance drug supervision program.
3122 Eligibility for participation in the program shall be limited to (1)
3123 individuals who are eligible to be sentenced by the court to a period of

3124 probation, pursuant to section 53a-29, as amended, and have been
3125 ordered by the court, as a condition of such probation, to participate in
3126 the program, (2) individuals who are eligible to be released on bail
3127 under section 54-63d or 54-64a, as amended, and have been required
3128 by the bail commissioner or the court, as a condition of release, to
3129 participate in the program, (3) individuals who have been sentenced to
3130 a period of probation and, in the judgment of their probation officers,
3131 have violated the conditions of such probation and been referred to the
3132 program by their probation officers pursuant to subsection (a) of
3133 section 53a-32, and (4) individuals who have been ordered by the
3134 court, as a condition of probation, to participate in the program
3135 pursuant to subsection (d) of section 54-56e or subsection (b) of section
3136 54-76j and shall be based upon criteria, including a limit on the
3137 maximum number of eligible participants, established by the Chief
3138 Court Administrator.

3139 (b) Any person entering such program shall, as a condition of
3140 participating in such program, agree to: (1) Submit to periodic
3141 urinalysis drug tests, (2) detention in a halfway house facility for a
3142 period of two days each time such test produces a positive result, (3)
3143 comply with all rules established by the halfway house if detained in
3144 such facility, and (4) waive the right to a hearing.

3145 (c) Participants in the zero-tolerance drug supervision program shall
3146 submit to periodic urinalysis drug tests. If the test produces a positive
3147 result, the participant shall be detained in a halfway house facility for a
3148 period of two days.

3149 (d) Any person who has submitted to a urinalysis drug test
3150 pursuant to subsection (c) of this section that produced a positive
3151 result may request that a second urinalysis drug test be administered,
3152 at such person's expense, to confirm the results of the first test, except
3153 that if the participant is determined to be indigent, based upon
3154 financial affidavits, the Judicial Department shall pay the cost of the
3155 test. The second drug test shall be a urinalysis drug test, separate and
3156 independent of the initial test. The participant shall be detained in a

3157 halfway house pending the results of the second test. If such second
3158 test does not produce a positive result, the participant, if detained in a
3159 halfway house, shall be released and the fee, if paid by the participant,
3160 shall be refunded to the participant.

3161 (e) A participant enrolled in the zero-tolerance drug supervision
3162 program as a condition of probation may be charged with a violation
3163 of probation, if the participant's probation officer determines that the
3164 participant has violated the conditions of probation or the conditions
3165 of the program. A participant enrolled in the zero-tolerance drug
3166 supervision program as a condition of release may be charged with a
3167 violation of the conditions of such person's release, if a bail
3168 commissioner determines that the participant has violated the
3169 conditions of such person's release or the conditions of the program.

3170 [(f) Not later than January 1, 2000, the chairman of the Board of
3171 Parole, the Commissioner of Correction and the Chief Court
3172 Administrator shall submit a report on the pilot zero-tolerance drug
3173 supervision program to the joint standing committee of the General
3174 Assembly having cognizance of matters relating to criminal justice.]

3175 Sec. 84. Section 54-125f of the general statutes is repealed and the
3176 following is substituted in lieu thereof (*Effective October 1, 2002*):

3177 (a) Not later than October 1, 1998, the chairman of the Board of
3178 Parole, shall establish a pilot zero-tolerance drug supervision program.
3179 Eligibility for participation in the program shall be limited to
3180 individuals who are eligible for release on parole and shall be based
3181 upon criteria, including a limit on the maximum number of eligible
3182 participants, established by the chairman of the Board of Parole.

3183 (b) Any person entering such program shall, as a condition of
3184 participating in such program, agree to: (1) Submit to periodic
3185 urinalysis drug tests, (2) detention in a halfway house facility for a
3186 period of two days each time such test produces a positive result, and
3187 (3) comply with all rules established by the halfway house if detained
3188 in such facility.

3189 (c) Participants in the zero-tolerance drug supervision program shall
3190 submit to periodic urinalysis drug tests. If the test produces a positive
3191 result, the participant may be detained in a halfway house facility for a
3192 period of two days.

3193 (d) Any person who has submitted to a urinalysis drug test
3194 pursuant to subsection (c) of this section that produced a positive
3195 result may request that a second urinalysis drug test be administered,
3196 at such person's expense, to confirm the results of the first test, except
3197 that if the participant is determined to be indigent, based upon
3198 financial affidavits, the Board of Parole shall pay the cost of the test.
3199 The second drug test shall be a urinalysis drug test, separate and
3200 independent of the initial test. The participant may be detained in a
3201 halfway house pending the results of the second test. If such second
3202 test does not produce a positive result, the participant, if detained in a
3203 halfway house, shall be released and the fee, if paid by the participant,
3204 shall be refunded to the participant.

3205 (e) If at any time during participation in the zero-tolerance drug
3206 supervision program, the chairman of the Board of Parole determines
3207 that the public safety will be served by the incarceration of a
3208 participant, such participant may be returned to a correctional facility.

3209 [(f) Not later than January 1, 2000, the chairman of the Board of
3210 Parole, the Commissioner of Correction and the Chief Court
3211 Administrator shall submit a report on the pilot zero-tolerance drug
3212 supervision program to the joint standing committee of the General
3213 Assembly having cognizance of matters relating to criminal justice.]

3214 Sec. 85. Section 54-250 of the general statutes, as amended by section
3215 22 of public act 01-84, is repealed and the following is substituted in
3216 lieu thereof (*Effective October 1, 2002*):

3217 For the purposes of sections 54-102g and 54-250 to [54-259] 54-258a,
3218 inclusive, as amended by this act:

3219 (1) "Conviction" means a judgment entered by a court upon a plea of

3220 guilty, a plea of nolo contendere or a finding of guilty by a jury or the
3221 court notwithstanding any pending appeal or habeas corpus
3222 proceeding arising from such judgment.

3223 (2) "Criminal offense against a victim who is a minor" means (A) a
3224 violation of subdivision (2) of section 53-21 of the general statutes in
3225 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
3226 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
3227 subdivision (1), (4) or (8) of subsection (a) of section 53a-71,
3228 subdivision (2) of subsection (a) of section 53a-72a, subdivision (2) of
3229 subsection (a) of section 53a-86, subdivision (2) of subsection (a) of
3230 section 53a-87, section 53a-196a, 53a-196b, 53a-196c or 53a-196d, (B) a
3231 violation of section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or
3232 53a-186, provided the court makes a finding that, at the time of the
3233 offense, the victim was under eighteen years of age, (C) a violation of
3234 any of the offenses specified in subparagraph (A) or (B) of this
3235 subdivision for which a person is criminally liable under section 53a-8,
3236 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any
3237 offense specified in subparagraph (A), (B) or (C) of this subdivision the
3238 essential elements of which are substantially the same as said offense.

3239 (3) "Identifying factors" means fingerprints, a photographic image,
3240 and a description of any other identifying characteristics as may be
3241 required by the Commissioner of Public Safety. The commissioner
3242 shall also require a sample of the registrant's blood taken for DNA
3243 (deoxyribonucleic acid) analysis, unless such sample has been
3244 previously obtained in accordance with section 54-102g.

3245 (4) "Mental abnormality" means a congenital or acquired condition
3246 of a person that affects the emotional or volitional capacity of the
3247 person in a manner that predisposes that person to the commission of
3248 criminal sexual acts to a degree that makes the person a menace to the
3249 health and safety of other persons.

3250 (5) "Nonviolent sexual offense" means a violation of section 53a-73a.

3251 (6) "Not guilty by reason of mental disease or defect" means a

3252 finding by a court or jury of not guilty by reason of mental disease or
3253 defect pursuant to section 53a-13 notwithstanding any pending appeal
3254 or habeas corpus proceeding arising from such finding.

3255 (7) "Personality disorder" means a condition as defined in the most
3256 recent edition of the Diagnostic and Statistical Manual of Mental
3257 Disorders, published by the American Psychiatric Association.

3258 (8) "Registrant" means a person required to register under section
3259 54-251, 54-252, 54-253 or 54-254, as amended by this act.

3260 (9) "Registry" means a central record system in this state, any other
3261 state or the federal government that receives, maintains and
3262 disseminates information on persons convicted or found not guilty by
3263 reason of mental disease or defect of criminal offenses against victims
3264 who are minors, nonviolent sexual offenses, sexually violent offenses
3265 and felonies found by the sentencing court to have been committed for
3266 a sexual purpose.

3267 (10) "Release into the community" means, with respect to a
3268 conviction or a finding of not guilty by reason of mental disease or
3269 defect of a criminal offense against a victim who is a minor, a
3270 nonviolent sexual offense, a sexually violent offense or a felony found
3271 by the sentencing court to have been committed for a sexual purpose,
3272 (A) any release by a court after such conviction or finding of not guilty
3273 by reason of mental disease or defect, a sentence of probation or any
3274 other sentence under section 53a-28 that does not result in the
3275 offender's immediate placement in the custody of the Commissioner of
3276 Correction; (B) release from a correctional facility at the discretion of
3277 the Board of Parole, by the Department of Correction to a program
3278 authorized by section 18-100c or upon completion of the maximum
3279 term or terms of the offender's sentence or sentences, or to the
3280 supervision of the Office of Adult Probation in accordance with the
3281 terms of the offender's sentence; or (C) release from a hospital for
3282 mental illness or a facility for persons with mental retardation by the
3283 Psychiatric Security Review Board on conditional release pursuant to

3284 section 17a-588 or upon termination of commitment to the Psychiatric
3285 Security Review Board.

3286 (11) "Sexually violent offense" means (A) a violation of section
3287 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a,
3288 53a-70b, 53a-71, except subdivision (1), (4) or (8) of subsection (a) of
3289 said section, 53a-72a, except subdivision (2) of subsection (a) of said
3290 section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court
3291 makes a finding that the offense was committed with intent to sexually
3292 violate or abuse the victim, (B) a violation of any of the offenses
3293 specified in subparagraph (A) of this subdivision for which a person is
3294 criminally liable under section 53a-8, 53a-48 or 53a-49, or (C) a
3295 violation of any predecessor statute to any of the offenses specified in
3296 subparagraph (A) or (B) of this subdivision the essential elements of
3297 which are substantially the same as said offense.

3298 (12) "Sexual purpose" means that a purpose of the defendant in
3299 committing the felony was to engage in sexual contact or sexual
3300 intercourse with another person without that person's consent. A
3301 sexual purpose need not be the sole purpose of the commission of the
3302 felony. The sexual purpose may arise at any time in the course of the
3303 commission of the felony.

3304 Sec. 86. Subsection (b) of section 54-252 of the general statutes is
3305 repealed and the following is substituted in lieu thereof (*Effective*
3306 *October 1, 2002*):

3307 (b) Any person who has been subject to the registration
3308 requirements of section 54-102r of the general statutes, revised to
3309 January 1, 1997, as amended by section 1 of public act 97-183, shall, not
3310 later than three working days after October 1, 1998, register under this
3311 section and thereafter comply with the provisions of sections 54-102g
3312 and 54-250 to [54-259] 54-258a, inclusive, as amended by this act.

3313 Sec. 87. Subsection (c) of section 54-255 of the general statutes, as
3314 amended by section 2 of public act 01-211, is repealed and the
3315 following is substituted in lieu thereof (*Effective October 1, 2002*):

3316 (c) Any person who: (1) Has been convicted or found not guilty by
3317 reason of mental disease or defect of a violation of subdivision (1) of
3318 subsection (a) of section 53a-71 between October 1, 1988, and June 30,
3319 1999, and was under nineteen years of age at the time of the offense; (2)
3320 has been convicted or found not guilty by reason of mental disease or
3321 defect of a violation of subdivision (2) of subsection (a) of section 53a-
3322 73a between October 1, 1988, and June 30, 1999; (3) has been convicted
3323 or found not guilty by reason of mental disease or defect of a criminal
3324 offense against a victim who is a minor, a nonviolent sexual offense or
3325 a sexually violent offense, between October 1, 1988, and June 30, 1999,
3326 where the victim of such offense was, at the time of the offense, under
3327 eighteen years of age and related to such person within any of the
3328 degrees of kindred specified in section 46b-21; (4) has been convicted
3329 or found not guilty by reason of mental disease or defect of a violation
3330 of section 53a-70b between October 1, 1988, and June 30, 1999; or (5)
3331 has been convicted or found not guilty by reason of mental disease or
3332 defect of any crime between October 1, 1988, and September 30, 1998,
3333 which requires registration under sections 54-250 to [54-259] 54-258a,
3334 inclusive, as amended by this act, and (A) served no jail or prison time
3335 as a result of such conviction or finding of not guilty by reason of
3336 mental disease or defect, (B) has not been subsequently convicted or
3337 found not guilty by reason of mental disease or defect of any crime
3338 which would require registration under sections 54-250 to [54-259] 54-
3339 258a, inclusive, as amended by this act, and (C) has registered with the
3340 Department of Public Safety in accordance with sections 54-250 to [54-
3341 259] 54-258a, inclusive, as amended by this act; may petition the court
3342 to order the Department of Public Safety to restrict the dissemination
3343 of the registration information to law enforcement purposes only and
3344 to not make such information available for public access. Any person
3345 who files such a petition shall, pursuant to subsection (b) of section 54-
3346 227, notify the Office of Victim Services and the Department of
3347 Correction of the filing of such petition. The Office of Victim Services
3348 or the Department of Correction, or both, shall, pursuant to section 54-
3349 230 or section 6 of [this act] public act 01-211, notify any victim who
3350 has requested notification pursuant to subsection (b) of section 54-228

3351 of the filing of such petition. Prior to granting or denying such petition,
3352 the court shall consider any information or statements provided by the
3353 victim. The court may order the Department of Public Safety to restrict
3354 the dissemination of the registration information to law enforcement
3355 purposes only and to not make such information available for public
3356 access, provided the court finds that dissemination of the registration
3357 information is not required for public safety.

3358 Sec. 88. Section 54-256 of the general statutes is repealed and the
3359 following is substituted in lieu thereof (*Effective October 1, 2002*):

3360 Any court, the Commissioner of Correction or the Psychiatric
3361 Security Review Board, prior to releasing into the community any
3362 person convicted or found not guilty by reason of mental disease or
3363 defect of a criminal offense against a victim who is a minor, a
3364 nonviolent sexual offense, a sexually violent offense or a felony found
3365 by the sentencing court to have been committed for a sexual purpose,
3366 except a person being released unconditionally at the conclusion of
3367 such person's sentence or commitment, shall require as a condition of
3368 such release that such person complete the registration procedure
3369 established by the Commissioner of Public Safety under sections
3370 54-251, 54-252 and 54-254. The court, the Commissioner of Correction
3371 or the Psychiatric Security Review Board, as the case may be, shall
3372 provide the person with a written summary of the person's obligations
3373 under sections 54-102g and 54-250 to [54-259] 54-258a, inclusive, as
3374 amended by this act, and transmit the completed registration package
3375 to the Commissioner of Public Safety who shall enter the information
3376 into the registry established under section 54-257. If a court transmits
3377 the completed registration package to the Commissioner of Public
3378 Safety with respect to a person released by the court, such package
3379 need not include identifying factors for such person. In the case of a
3380 person being released unconditionally who declines to complete the
3381 registration package through the court or the releasing agency, the
3382 court or agency shall: (1) Except with respect to information that is not
3383 available to the public pursuant to court order, rule of court or any
3384 provision of the general statutes, provide to the Commissioner of

3385 Public Safety the person's name, date of release into the community,
3386 anticipated residence address, if known, criminal history record, any
3387 known treatment history and any other relevant information; (2)
3388 inform the person that such person has an obligation to register within
3389 three days with the Commissioner of Public Safety for a period of ten
3390 years following the date of such person's release or for life, as the case
3391 may be, and that if such person changes such person's address such
3392 person shall within five days register the new address in writing with
3393 the Commissioner of Public Safety and, if the new address is in
3394 another state or if such person regularly travels into or within another
3395 state or temporarily resides in another state for purposes including,
3396 but not limited to employment or schooling, such person shall also
3397 register with an appropriate agency in that state, provided that state
3398 has a registration requirement for such offenders; (3) provide the
3399 person with a written summary of the person's obligations under
3400 sections 54-102g and 54-250 to [54-259] 54-258a, inclusive, as amended
3401 by this act, as explained to the person under subdivision (2) of this
3402 section; and (4) make a specific notation on the record maintained by
3403 that agency with respect to such person that the registration
3404 requirements were explained to such person and that such person was
3405 provided with a written summary of such person's obligations under
3406 sections 54-102g and 54-250 to [54-259] 54-258a, inclusive, as amended
3407 by this act.

3408 Sec. 89. Subdivision (3) of subsection (a) of section 54-258 of the
3409 general statutes is repealed and the following is substituted in lieu
3410 thereof (*Effective October 1, 2002*):

3411 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
3412 this subsection, state agencies, the Judicial Department, state police
3413 troops and local police departments shall not disclose the identity of
3414 any victim of a crime committed by a registrant or treatment
3415 information provided to the registry pursuant to sections 54-102g and
3416 54-250 to [54-259] 54-258a, inclusive, as amended by this act, except to
3417 government agencies for bona fide law enforcement or security
3418 purposes.

3419 Sec. 90. (*Effective October 1, 2002*) Sections 4d-16, 7-18, 7-104, 7-439e,
 3420 8-97, 13a-175h, 13a-175ee, 13b-206, 13b-224, 13b-286, 13b-347, 13b-368,
 3421 16-254, 17a-754, 17b-133, 17b-344, 19a-1c, as amended, 19a-104, 19a-108,
 3422 19a-492, as amended, 19a-639d, 19a-656, 19a-657, 19a-658, 19a-664, 19a-
 3423 665, 19a-666, 19a-676a, 21a-31, 22-123, 22a-224, 22a-356, 23-61d, 25-32h,
 3424 25-37f, 25-39b, 25-49, 25-54, 26-221, 26-222, 26-234, 26-267, 26-269, 27-
 3425 140g, 29-389, 31-34, 32-101, 38a-286, 44-3, 53-301 and 54-259 of the
 3426 general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>
Sec. 15	<i>October 1, 2002</i>
Sec. 16	<i>October 1, 2002</i>
Sec. 17	<i>October 1, 2002</i>
Sec. 18	<i>October 1, 2002</i>
Sec. 19	<i>October 1, 2002</i>
Sec. 20	<i>October 1, 2002</i>
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Sec. 29	<i>October 1, 2002</i>
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Sec. 34	<i>October 1, 2002</i>
Sec. 35	<i>October 1, 2002</i>
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Sec. 44	<i>October 1, 2002</i>
Sec. 45	<i>October 1, 2002</i>
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Sec. 84	<i>October 1, 2002</i>
Sec. 85	<i>October 1, 2002</i>
Sec. 86	<i>October 1, 2002</i>
Sec. 87	<i>October 1, 2002</i>
Sec. 88	<i>October 1, 2002</i>
Sec. 89	<i>October 1, 2002</i>
Sec. 90	<i>October 1, 2002</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill repeals various obsolete sections and provisions of the General Statutes and makes technical changes that do not result in a fiscal impact.

House Amendments "A" and "B" restored certain statutes. There is no related fiscal impact.

House Amendment "C" made technical changes.

OLR Amended Bill Analysis

sHB 5574 (as amended by House "A," "B," and "C")*

AN ACT REPEALING CERTAIN OBSOLETE SECTIONS AND PROVISIONS OF THE GENERAL STATUTES**SUMMARY:**

This bill repeals statutes and portions of statutes relating to:

1. the environment,
2. transportation,
3. government operations,
4. building safety,
5. crimes, and
6. healthcare.

It also makes technical changes and repeals statutes applicable to activities that must occur by a certain date that has passed.

*House Amendment "A" eliminates the provisions that would have repealed:

1. making Hartford's Superior Court and judicial district the court with authority to review orders under the Mid-Atlantic States Air Pollution Control Compact (§ 108 (CGS § 22a-167));
2. requiring the Department of Environmental Protection (DEP) commissioner to award grants to town or regional authorities that built a volume reduction plant or improved existing waste disposal facilities before July 1, 1969; (§ 108 (CGS § 22a-219));
3. an amnesty for people who illegally possessed diploid grass carp who (a) owned them on June 6, 1989, (b) registered ownership with the DEP by January 1, 1990, and (c) keep them in an environment such as a lake or pond from which they cannot migrate. The law also requires DEP to evaluate each site and publicize information about preventing the spread of this species (§ 108 (CGS § 26-55a));
4. the requirement (and \$100 fine imposed for noncompliance) that the custodians of records in state agencies, towns, and probate

- courts use only inks that are approved by the public records administrator (§ 108 (CGS § 1-10));
5. the requirement that renewals of state leases existing on July 1, 1975 are subject to approval of the public works commissioner and the State Properties Review Board (§ 108 (CGS 4b-32));
 6. four statutes that outlaw and establish penalties for “bucket shop” activities. (This is a type of gambling in which people place bets on whether a stock or other commodity’s price will rise or fall (§ 108 (CGS §§ 53-313 through 53-316)). It also eliminates repeal of the provision providing that the criminal bucket shop laws do not apply to (1) common trust funds or their fiduciaries or (2) collective managing accounts or their managing agents (§ 93)); and
 7. a law requiring the state training schools to establish clinics for people with mental retardation. Southbury Training School is currently the only training school in Connecticut (§ 108 (CGS § 17a-283)).

*House Amendment “B” eliminates the provision that would have repealed the \$20 fine for moderators who fail to submit election returns.

*House Amendment “C” makes technical changes.

EFFECTIVE DATE: October 1, 2002

ENVIRONMENTAL LAWS

The bill repeals a law prohibiting gambling, strip shows, prostitution, and similar activities at or near agricultural fairs, including fines and other criminal penalties for violations (§ 108 (CGS § 22-123)).

Solid Waste Management

It also repeals a law directing the Connecticut Resources Recovery Authority (CRRRA) and the Department of Mental Health Addiction Services (DMHAS) to study the feasibility of building resource recovery systems at certain state mental health hospitals and requiring DMHAS to buy steam and electricity from the facilities if CRRRA builds them (§ 108 (CGS § 22a-224)).

Fish and Shellfish

The bill repeals requirements (and fines for violations) that anyone (1) removing mud or refuse material by boat from any harbor with, or north of, oyster beds give the agriculture commissioner written notice, including when it will begin the job and which boats it will use and (2) dump this material only within areas the commissioner designates (§ 108 (CGS § 26-221)). It also repeals another provision requiring people dumping material on private oyster beds to give the DEP commissioner reasonable notice, under penalty of fines, and requiring the commissioner to notify adjoining owners that they can object (§ 108 (CGS § 26-222)).

The bill eliminates:

1. a fine of up to \$50 for anyone gathering seed oysters or oysters less than three years old from channels of Mianus River or Greenwich Cove (§ 108 (CGS § 26-234));
2. a law limiting oystering activities in the Branford and Farm rivers by imposing a \$14 fine on anyone who (a) takes oyster shells or seed oysters for planting in a private bed, (b) gathers more than two bushels of oysters in a day, or (c) uses implements of any kind to gather oysters or shells between April 1 and October 1 (§ 108 (CGS § 26-267)); and
3. a fine of up to \$25 on anyone taking more than a half-bushel of oysters during a tide from Branford's clam flats and the area between the East Haven River and the Guilford town line (§ 108 (CGS § 26-269)).

Ice Sales

The bill also eliminates requirements that (1) anyone importing ice into the state for domestic use notify the Department of Public Health (DPH) and (2) DPH examine samples and determine whether they are fit for consumption (§ 108 (CGS § 25-49)).

The bill repeals another law imposing fines and jail penalties for selling ice cut from specified polluted locations to homes, hotels, and restaurants (§ 108 (CGS § 25-54)).

TRANSPORTATION

The bill eliminates the general penalty of a fine of up to \$500 for

violating several state laws relating to railroads and railways for which no other penalty is prescribed (§ 108 (CGS § 13b-224)). It also eliminates other railroad laws:

1. authorizing railroads to make contracts with any other connecting or intersecting railroads with respect to their business or property and to make leases with respect to it or another railroad's property or franchises (§ 108 (CGS § 13b-206));
2. allowing a railroad to petition the transportation commissioner to order a change in the location of a highway at the railroad's expense when the road's location endangers public travel (§ 108 (CGS § 13b-286));
3. requiring every railroad company to maintain warning boards the transportation commissioner approves at each railroad-highway grade crossing where there are no gates (§ 108 (CGS § 13b-347)); and
4. preventing any railroad from being required to open a drawbridge on its line, or keep it open, except on signal from, and during the passage of, vessels through the bridge (§ 108 (CGS § 13b-368)).

GOVERNMENT OPERATIONS

Year 2000

The bill eliminates the state's chief information officer's responsibilities related to the year 2000 date change (§ 108 (CGS § 4d-16)).

Fines Imposed on Town Clerks

The bill eliminates the maximum \$50 fine that may be imposed on town clerks for neglecting their duties (§ 108 (CGS § 7-18)). The law still requires state's attorneys to investigate complaints alleging, among other things, that a clerk was guilty of willful and material neglect or incompetence in performing his duties.

Fines Imposed on Elected Officials

The bill also eliminates the maximum fines that may be imposed on certain local elected officials for refusing to perform duties. Specifically, it eliminates the:

1. maximum \$30 fine on elected tax assessors who refuse to be sworn or perform their duties,

2. the maximum \$10 fine on any other elected official (except a town clerk) who neglects to perform his duties or declares his intention not to do so, and
3. the \$5 fine on anyone elected to any office who refuses to accept it and take the required oath (§ 108 (CGS § 7-104)).

BUILDING SAFETY

The bill eliminates a law prescribing the number and placement of stairways and fire escapes in certain public buildings and apartment houses. It also eliminates civil liability, fines, and jail penalties for owners whose buildings do not either comply with that law or conform with building and fire codes (§§ 85 and 108 (CGS § 29-389)).

The bill also repeals a law requiring factory owners to remove stained, painted, or corrugated glass windows that are injurious to employees' eyes, if ordered by the labor commissioner, and a fine of up to \$50 for violations (§§ 86 and 108 (CGS § 31-34)).

Adulteration of Turpentine

The bill eliminates criminal penalties of up to \$500 and 30 days in prison for selling anything as "turpentine" unless it is wholly distilled from rosin, turpentine gum, or scrapings from pine trees and prohibits selling turpentine that has been adulterated with oil, benzene, or anything else unless it is so labeled (§ 108 (CGS § 21a-31)).

BACKGROUND

Related Bill

Like this bill, sHB 5573, (Files 401, 611) repeals statutes relating to environmental protection, transportation, government operations, building safety, and crimes. The House sHB 5573 passed as amended by House Amendment "A". It is on the Senate calendar.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0

